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ABSTRACT

The official theme of Law Day 2003 (May 1, 2003), "Celebrate Your Freedom: Independent Courts Protect Our Liberties," is reflected throughout this planning guide. The guide offers teachers the tools for programs and discussions on the rule of law and the role of independent courts. It can also assist in developing programs and discussions on how people can assure the independence of the courts in the future. A special section provides ideas for commemorating the 200th anniversary of "Marbury v. Madison," the great case that established judicial review and immeasurably strengthened the rule of law. The guide also contains ideas about how to build coalitions with a wide variety of legal groups, schools, and community organizations; talking points on independence of the courts issues; lessons for all grade levels; suggested programming for reaching adult groups; and suggestions on using the media to get the Law Day message out. Includes information about Law Day awards programs. (BT)

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# Celebrate Your Freedom: Independent Courts Protect Our Liberties. Planning Guide, Law Day, May 1, 2003.

Charles White, Editor

American Bar Association, Chicago, IL. Public Education Div.

SO 034 793

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PLANNING GUIDE

# celebrate your freedom

# Independent Courts Protect Our Liberties

## law day may 1, 2003



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# Wide Support for Law Day 2003

The ABA is pleased that the following organizations have confirmed their support of Law Day 2003 and its theme "Celebrate Your Freedom—Independent Courts Protect Our Liberties."

## Cooperating Partners for Law Day 2003

AARP
Administrative Office of U.S. Courts
Alliance for Justice
American Association of University Women Legal Advocacy Fund
American Board of Trial Advocates (ABOTA)
American Inns of Court Foundation
American Judicature Society
America's Promise
Association of Trial Lawyers of American (ATLA)
Center for Civic Education
Children's Rights Council
Close Up Foundation
Constitutional Rights Foundation—Chicago
Council on Legal Education Opportunity (CLEO)
Families Against Mandatory Minimums (FAMM)
Federation of State Humanities Councils
Girl Scouts of the U.S.A.
Hispanic National Bar
International Association of Defense Council
Justice at Stake
Lawyers' Committee for Civil Rights Under the Law
League of Women Voters
Migrant Legal Action Program, Inc.
National Asian Pacific American Bar Association (NAPABA)
National Association of Criminal Defense Lawyers
National Association of Women Lawyers
National Bar Association
National Coalition for the Homeless
National Community Education Association
National District Attorneys Association
National Immigration Law Center
National Judicial College
National Native American Bar Association
Native American Rights Fund
Office of Juvenile Justice and Delinquency Prevention
Phi Alpha Delta Law Fraternity, International
Street Law
The Sentencing Project

(Organizations on the list above committed their support of Law Day 2003 on or before November 12, 2002.)
For more information, visit our website, <www.lawday.org>.

# The Rule of Law Protects Our Liberties

The official theme of Law Day this year is "Celebrate Your Freedom: Independent Courts Protect Our Liberties." It is a splendid theme, reflected throughout this planning guide.

I want to step back for a moment, however, and put the theme into a wider context. Independent courts are so important because they are the means through which we make the rule of law a reality. The rule of law means that decisions in a democracy are made in accordance with the law. Legal cases are decided by applying the law to the facts, not by the passions of the moment or by public opinion.

Increasing respect for—and understanding of—the rule of law has been a central goal of Law Day since its inception, 44 years ago. It was a key goal then, at the height of the Cold War, just as it has been a primary objective in every era of American history.

Our great nation has undergone many challenges over the years. We have surmounted them, and have grown and prospered, because our system of liberty under law, and our reverence for the rule of law, has enabled us to mobilize the best energies of all Americans in a common cause.

This guide gives you the tools for programs and discussions on the rule of law and the role of independent courts. It also will help you develop programs and discussions on how we can assure the independence of our courts in the future. And a special section of the guide provides ideas for commemorating the 200th anniversary of *Marbury v. Madison*, the great case that established judicial review and immeasurably strengthened the rule of law.

This 2003 Law Day Planning Guide also contains:

- ideas about how to build coalitions with a wide variety of legal groups, schools, and community organizations (pages 6–8);
- talking points on independence of the courts issues (pages 9–11);
- lessons for all grade levels (pages 15–36);
- suggested programming for reaching adult groups (pages 37–44); and
- suggestions on using the media to get the Law Day message out (pages 45–48)

In addition, our Internet site has hundreds of other ideas—including program concepts and school lessons—that you can use on Law Day or any day. Just access <www.lawday.org>.

Our Internet site and this guide are filled with photos from Law Day around the country. We thank the Law Day planners who have shared them with us.

Please let us know about your programs so we can help publicize them on our website and in the planning guide, and also help others learn from them. Please share your photos and program descriptions of Law Day 2003 by e-mailing them to abapubed@abanet.org or by mailing them to Law Day, 15.3, 541 N. Fairbanks Court, Chicago, IL 60611-3314. Let us know what you are doing and how we can help you.

We look forward to working with you to make this a memorable Law Day that will make the rule of law even more significant and precious to the American people.

Dick Wiley

Richard E. Wiley
Chair
Law Day 2003

# Preserving Independent Courts

The theme of Law Day 2003 is "Independent Courts Protect Our Liberties." This isn't just a matter for lawyers and judges—it's an issue, and a challenge, for all Americans.

On this Law Day, let us all work together to maintain our great heritage of fair and impartial justice. Let us help the public understand how vital it is to our democracy, and let us all work together to assure that our courts remain independent.

Independent courts are at the very heart of our freedoms. Our American democracy promises us that when any of us appears before the law, our cause will be heard only on its merits. Our system of liberty under law assures us that the law will be fairly applied by an independent judge governed only by the rule of law. It further promises us that we will be treated without regard to our wealth or social status or capacity to influence.

Our founders insisted that this judicial impartiality and independence be a prerequisite to American democracy. After 200 years, this unique American phenomenon has become a beacon of freedom for developing democracies the world over.

Special interests that think the justice system is just one more lever of politics that can be bought and sold threaten a fair and impartial judiciary. When advocacy groups succeed at defeating a sitting judge for ideological reasons, they are not merely seeking to punish that particular judge. They also aim to send a clear message to other judges and thereby affect the decisions of the entire judiciary.

We need to strengthen the independence of our courts. We must preserve a system in which those who don the robes of justice every day can—without fear and with full independence of thought, word, and deed—do what they have sworn to do and what they do better than anyone else—deliver American justice.

This Law Day Planning Guide is full of suggestions on how to reach out to the public with this important message. It will also point readers to many other resources—including organizations all over the country and many helpful websites—that will make the job easier. Please join us in building support for fair and impartial courts for all Americans.

Sincerely,

Alfred P. Carlton, Jr.

President, American Bar Association

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DIVISION FOR PUBLIC EDUCATION

# A Law Day Call to Action

Through great Law Day programs, you can help people understand how law keeps us free and how our legal system strives to achieve justice.

Think of Law Day as more that just a single day to reflect on our legal heritage—make it a community-wide program that can encompass a week or more of activities for kids and adults.

**This Year's Theme: Independent Courts Protect Our Liberties**

The Constitution grants our rights, but without courts the Constitution might just be a quaint document on parchment. The framers of our Constitution understood the importance of judges who would be able to apply the law freely and fairly. They were familiar with abuses in England, where for many years the king or queen could assign judges to the bench and then remove them summarily if they did not represent the sovereign's interests. They knew firsthand the problems of judges in the American colonies who were essentially crown officers, whose duty was to enforce British policies and law. In fact, one of the grievances against the king enumerated in the Declaration of Independence was that "He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries."

When independence came, the framers of the Constitution worked to create a third branch of government that was relatively independent of the executive and the legislative branches.

Many other countries have constitutions that seem to guarantee the same rights that are found in ours, but in reality they serve as cloaks of respectability for repressive regimes. What is the difference between those systems and ours? It is our uniquely independent American judiciary, which functions as a separate and co-equal third branch of government in practice as well as in theory. Our courts enforce the U.S. Constitution, protect our rights as Americans, and make the rule of law a reality.

Law Day can help people understand that "independent" courts are fair, impartial, and dedicated to the rule of law. Through Law Day, we can stress the importance of courts and judges who are free from political interference.

Every Law Day, we try to help Americans understand how our freedoms depend on our great system of law. On this Law Day, let's help our fellow citizens appreciate that judicial independence is "the most essential characteristic of a free society." In a democracy, no one—no matter how powerful—is above the law, as long as judges have the authority and respect needed to apply the law impartially and fairly.

## Origins of Law Day: A Chronology

**1957**

American Bar Association (ABA) President Charles S. Rhyne, a Washington, D.C., attorney, envisions a special day for celebrating our legal system.

**1958**

President Dwight D. Eisenhower establishes Law Day U.S.A. to strengthen our great heritage of liberty, justice, and equality under law.

**1961**

May 1 is designated by joint resolution of Congress as the official date for celebrating Law Day.

**Every Year**

May 1 remains the official date, but Law Day often becomes Law Week (or Weeks!) as the ABA is joined by national organizations, state and local bars, businesses, and schools in conducting thousands of programs on the rule of law in a constitutional democracy.

Check out the
**2003 Law Day Resource Catalog**
*See page 57.*

# 2003 Law Day
# Program Ideas

What makes a successful Law Day celebration? It is the coming together of bar associations, courts, and legal groups, which then join forces with school and community groups in all aspects of planning. Because the law is a part of every individual's life, Law Day should be a community-wide event.

This planning guide includes recommendations to help ensure the success of your Law Day celebration. Each of the following sections includes many tried and true examples from across the country.


| | |
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These pages tap into these resources, allowing your community to benefit from the success and guidance of others. There is something for everyone, no matter how big or small your budget, whether this is your first or your tenth Law Day!

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# How to Plan for Law Day

Building a diverse but cohesive local planning committee is not an easy task. Although the committee starts with a core group, it quickly must expand to represent a balanced spectrum of the community. Successful planning committees can significantly increase the number of participants in Law Day activities as well as decrease costs. Consider the following questions as you ORGANIZE, PLAN, and IMPLEMENT your Law Day celebration.

## Organize

**1. Who should be a part of the coalition?**

- Make sure there is a blend of both new and experienced partners on the planning committee. Those who have been involved before know what it takes to get the job done, while newer members provide fresh perspective and insight.
- There is sufficient work for all interested partners. Seek partners who will bring diverse talents and resources in support of the year's theme.
- The Alameda County Bar Association Law Day Committee and the Alameda County Law Library worked together to plan and promote activities during the week of April 29–May 3. Check out Programs at a Glance on page 12 for more details.

**2. How large should the coalition be?**

- The answer is simple. The planning committee should be large enough to get the job done.
- Start with a core group of perhaps six to 12 individuals.
  - Include representatives from the organized bar, minority bar groups, the courts, and law-related groups such as legal secretaries, paralegal organizations, and the bar auxiliary.
  - Include representatives from local schools, community groups, and local affiliates and chapters of the groups listed on the inside front cover of this guide.

**3. When should the organizing begin?**

- Don't wait. Early contact is critical to allow the various committees to start working together.

## Plan

**4. What should happen at the first meeting?**

- Establish leadership. Choose a strong chair and vice-chair. Keep in mind that the position of vice-chair should be one of training to become chair the following year.
- Agree on Law Day goals. Set goals that are high but achievable based on local resources. Discussing what each committee member wants to accomplish will drive the goals. Agreeing on specific objectives will keep the celebration focused. Those objectives might include:
  - Improving the content quality of classroom visits.
  - Diversifying the extent of the classroom visits.
  - Increasing student numbers.
  - Broadening audiences to be involved.
  - Broadening geographic coverage.
  - Improving community awareness and media opportunities.
  - Building bridges to implementing the program in additional community organizations.
- Establish committees and committee chairs. Each committee should have a clear definition of its roles. Start with the basic committees listed below and then customize committee needs based on your specific Law Day plan of action.
  - Program
  - Logistics
  - Finance
  - Media

**Law Day Buttons**
*Wear one yourself. They are great, inexpensive giveaways.*
PC# 317-0325

See page 59

- Establish a realistic schedule. Establish a timeline of critical dates with assigned responsibilities. The timeline provided in the planning guide (page 8) is a good starting point. Customize the schedule based on the specific plan of action. Consider regular coalition meetings to share work accomplished and keep everyone focused and knowledgeable.
- Conduct initial program discussion. Get all the ideas on the table but leave any final decision until the second coalition meeting. Caution: Give everyone time to digest the many program options but don't delay the second meeting more than one week.

**5. What should happen at the second meeting?**

- Choose the program (or programs) that fit your goals. Don't overlook the fact that you will probably need multiple program options, based on your target audiences.
  - School representatives can assure the program fits the curriculum and meets students' interest.
  - Community representatives can work to align the program to their target audience
- Establish a program calendar. Brainstorm sites for the various program events—places where people gather, such as shopping malls, bookstores, libraries, and businesses. Law Day celebrations should be on May 1 or any day of the week before or after. However, if there is a local schedule conflict that would involve the entire community, consider scheduling Law Day activities on another appropriate legal date, such as Constitution Day in September.
- Secure point persons to contact the various sites. To avoid overlap in communications, consider appointing one committee member to make all contacts or divide up the prospect list and appoint individual responsibilities.

## Implement

**6. Who should be included as sponsors and partners?**

- Establishing sponsorships and partnerships with those who share your goals and may be willing to share the costs as well can enhance your programs. These might include those who can provide some of the following basic needs for the various events.
  - **Sites**—Libraries and government agencies make good partners because of their access to the public and meeting facilities.
  - **Media**—Don't ever underestimate the power of newspapers, television, and radio stations, etc.—not to mention local radio or TV talk shows. Ask the sponsoring stations if they can absorb production costs and help with publicity.
  - **Print and Audiovisual Needs**—Consider local print shops. You can keep costs down by finding sponsors or asking local businesses and law firms to help photocopy handouts and provide audiovisual equipment.
  - **Awareness**—Use the newsletters and meetings of partners and sponsors to spread the word. There is always room for volunteers.
  - **Luncheon Speakers**—While prominent speakers often ensure a good turnout and press coverage, you may find someone who is involved in improving the courts in your community to be an inspiring speaker. Be sure the presenter is a good communicator and focuses on the Law Day theme.
- Check <www.lawday.org> under Reaching the Community and Reaching the Media for lots of ideas from across the country on securing partners and sponsors for Law Day.

**7. Are volunteers necessary?**

- You can do a lot with volunteer power even when you have a very small budget for your Law Day programs.
- Search for those who share the goals and are willing to absorb costs such as printing and postage.

### How to Keep Committee Members, Partners, and Sponsors Happy

- **Clearly honor each group in all communications**
  Sharing recognition at every opportunity increases trust. The word will quickly spread that Law Day is a community effort. It will also build sustainability into the annual event.
- **Establish a communication network**
  A central source for communication is essential for any successful community event. It assures that all inquiries receive appropriate action and provides public accountability for the event.
- **Share resources**
  Sharing resources reduces costs for all coalition members. Remember it is easier to share resources when every individual and organization receives recognition for its contributions.
- **Celebrate your success!**
  After the event, celebrate your success. The informal session can be used to debrief and lay the foundation for the following year.

**Balloons**
*The sky's the limit for these larger-than-ever Law Day balloons. They come in red and blue, with a white design.*
PC# 317-0340
See page 58.



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# Law Day 2003 Planning Timeline

**Fall 2002**

- Establish Law Day committee and select chair.
- Identify and contact your community resources, partners, and sponsors.
- Convene committee.
- Establish a plan of action.

**January 2003**

- Continue to plan and identify potential partners and sponsors.
- Select the lessons or support materials. Have everything reviewed by teachers, lawyers, or other appropriate persons.

**February 2003**

- Enter the "Images of Freedom" program by its Feb. 1 deadline. See page 54.
- Order ABA Law Day materials by **February 15 to get 10% discount**.
- Make arrangements for mock trials, films, speakers, courtroom tours, pamphlets, etc.
- Contact companies such as banks, insurance firms, utilities, department stores, and others about sponsoring paid ads in support of Law Day.
- Recruit all necessary volunteers.
- Finalize choice of participants, date, and site.

**March 2003**

- Order ABA Law Day materials by **March 15 to get 5% discount**.
- Talk to newspaper editors about Law Day coverage and editorials.
- Print programs for forums, speakers, courthouse sessions, etc.
- Officially invite VIPs to programs.
- Publicize programs within the schools and legal community to recruit an audience.

**April 2003**

- Order ABA Law Day materials by **April 11 to guarantee delivery by Law Day**.
- Confirm all details of programs.
- Distribute materials to schools, lawyers, and other participants.

**May 2003**

- Celebrate Law Day!
- Take lots of photos or have a professional photographer on hand, and be sure to send the best photos to the ABA.
- Send thank-you letters to program participants and media.

**June 11, 2003**

- Deadline for entering ABA Law Day competitions. **See pages 50–53 for guidelines** and entry forms.

**Fall 2003**

- Law Day Award winners announced.
- Begin to plan for Law Day 2004.

**Colorful Law Day T**
*Wear your freedom proudly. Full-color T-shirt features the colorful Celebrate Your Freedom design seen on the cover of this year's planning guide.*

PC# 317-0329

*See page 58.*

12

# Talking Points on Judicial Independence

One of the best ways to broaden education about judicial independence is to talk about it. The term may not be generally familiar to many, but people do understand "fair and impartial" courts, and you might want to frame the discussion in those terms.

Discussions can take many forms, ranging from public conversations among community members and leaders to single-speaker presentations, debates on a particular topic, classroom discussions among high school students, or a moderated panel discussion.

The discussion points below provide quick bullets of information related to the key issues associated with this theme. You can use them to brief your speakers on the issues prior to their presentations, or you can use them to provide jumping-off points for panels and other discussions.

Independence of the judiciary has been an ABA priority for many years, and the ABA has many resources to help you put on public programs on this issue. For example, the ABA's Justice Center includes much useful information on its website <http://www.abanet.org/justicecenter/home.html> about judicial independence and other key issues. This year, the Law Day website <www.lawday.org> also contains much information that will help you present programs on this topic.

The American Bar Association's Standing Committee on Judicial Independence offers a wide range of resources that may also be used to complement public programs and other educational efforts. For instance, the Standing Committee can provide expert speakers on issues affecting judicial independence, bookmarks for voters in judicial elections, and a video program on responding to unfair criticism of the judiciary. It is also available to consult on the development of public service announcements and other messages designed to enhance public awareness of the importance of an independent judiciary.

Please visit its website <www.abanet.org/judind> or call 312-988-5147 to learn more about what the Standing Committee has to offer.

## What Is Judicial Independence?

1. Judicial independence means that judges can decide cases before them without fear or favor, based on the law and the facts of that particular case. It's a way to provide for fair and impartial courts. Judicial independence does not mean that judges are free to decide cases according to their own whims or prejudices.

2. Judicial independence means judges have the authority to exercise their constitutional obligation to make unpopular decisions without concern for retribution, personal or professional.

### Independent Courts and Democracy

3. Our democracy depends on independent courts where decisions are based on the facts and the rule of law. John Marshall's address to the Virginia Convention of 1830 includes a stern warning about the failure to ensure an independent judiciary:

"I have always thought, from my earliest youth till now that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people, was an ignorant, a corrupt, or a dependent Judiciary."

4. An impartial judiciary is a cornerstone of our democracy, one of the guiding principles that sets us apart from other nations of the world. Indeed, when visitors from developing democracies come to the United States, they come to learn about and draw on our judicial system, not our executive or legislative branch models.

### Threats to Judicial Independence

5. Interest groups and political parties are pouring millions of dollars into targeted judicial campaigns, using highly negative advertising to influence voters and outspending the judicial candidates themselves (see set of points on next page).

6. Additional threats:

- State legislatures cut budgets for the courts while caseloads continue to increase, threatening the institutional independence of courts by placing more pressure on judges to decide more cases with fewer resources.
- In many jurisdictions, compensation is an issue. There is a growing disparity between private practice and the judiciary. Some beginning lawyers make more than experienced judges do, while judicial salaries fail even to keep pace with inflation. Successful lawyers are reluctant to give up a lucrative law practice to serve on the bench.
- Women and people of color remain underrepresented on the bench. Minority lawyers continue to experience barriers to being elected or appointed to judicial positions. The lack of diversity fuels mistrust of the courts, as they fail to reflect the communities they serve.

### Discussion Questions

Do the following jeopardize judicial independence?

- Criticism of a judge's decision in a newspaper editorial.
- People picketing in front of the judge's house in protest of a decision.
- A friend approaching a judge at a social gathering and commenting on a case before the judge.
- A friend approaching a judge at a social gathering, urging the judge to decide a pending case in a certain way.
- A corporation that contributed heavily to the judge's campaign is not a party to a suit before the judge, but its biggest client is.
- Certain state legislators, upset by a state supreme court ruling, threaten to cut the budget of the court next year.
- The legislature passes a law saying that courts can no longer review certain laws.

## Judicial Elections Are Becoming More Politicized

1. Judicial campaigns that are getting "noisier, nastier, and costlier" blur the lines between the role of judges as impartial arbiters and the political role of lawmakers and executive branch officials. The public views judges as just like other politicians.

2. A survey conducted for the ABA in August 2002 revealed that nearly three-fourths of Americans are concerned that the impartiality of judges is compromised by their need to raise campaign money. Over one-third of respondents said they were "extremely" or "very" concerned.

3. This perception threatens the public's trust and confidence in our state courts.

4. Campaigns are costing more and more.

- There was a 61 percent increase in total money raised by state supreme court candidates since 1998, according to a recent study.
- According to "The New Politics of Judicial Elections," the amount of money raised for supreme court candidates doubled between 1994 and 2000.
- In Alabama, candidates for the supreme court raised $13 million—an average of $1.2 million each.

5. As a result of the soaring campaign costs, judges feel pressure to raise more and more money.

- According to a survey conducted for Justice at Stake, nearly half of the judges feel pressure to raise campaign money.
- And it is even higher for judges of appellate courts.

6. Is it any wonder that three of every four people believe that campaign contributors can influence judicial decisions?

- And according to a national survey of judges, even one judge in four believes contributions influence judicial decisions. In a Texas survey, nearly half of judges expressed this concern.

### Interest Groups and Judicial Elections

7. Much of this money is coming from special interests. They are pouring millions of dollars into judicial campaigns to further their own interests.

- Usually there is no public disclosure of the amounts or the sources of money.
- The trend is for special interests to produce and air television commercials, usually "attack" ads, against a candidate the groups oppose.

8. Furthermore, the survey shows 9 in 10 Americans think these special interests are trying to shape public policy to their own ends.

### Independence of State Courts Threatened

9. When we talk about the judiciary, a great many people think about the U.S. Supreme Court or other federal courts. But very real threats to judicial independence are increasing in our state courts. Cases in state courts outnumber those in federal courts by a margin of 300 to 1. Federal judges enjoy life tenure, while over 80 percent of state judges must face election of some kind.

10. Here are some examples of the problems state courts face:

- 90 percent of the voters—and 87 percent of the judges—are concerned because voters do not have enough information on judicial candidates and they believe judges are selected for reasons other than their qualifications.
- Selection methods deter qualified applicants. Some lawyers simply believe the process is too political.

11. Restrictions on judicial campaign speech that were designed to maintain judicial impartiality have been loosened by recent court decisions, namely the decision of the Supreme Court of the United States in *Republican Party of Minnesota v. White*.

12. The White decision struck down the "announce clause" of judicial codes in nine states, which had prohibited judges from announcing their views on disputed issues that might come before the court.

13. Other provisions of state judicial codes are likely to be challenged as well, such as those prohibiting judges and judicial candidates from making specific pledges or promises about how they would rule in a given case or class of cases.

14. In some areas, citizens think judges are not being held accountable. Judicial discipline systems are criticized as ineffectual, and judges face increasing pressure to conform their decisions to serve the interests of particular constituencies.

15. The national public opinion poll conducted for Justice at Stake has some numbers that are disturbing:

- Most people—62 percent—believe there are two systems of justice, one for the rich and powerful and one for everyone else.
- 90 percent of African-Americans believe there is a two-tiered system of justice.
- 87 percent of judges think this two-tiered perception is of concern.

### Discussion Questions

1. What are the expectations of someone who donates major sums of money to a candidate in a political campaign? Are those expectations different if the candidate is running for a judicial office? Should they be?
2. What is the overall effect of negative ads in a judicial campaign? Do they promote disrespect for the rule of law and the courts?
3. Whatever its flaws, television is a very powerful communications medium. How might it be used in a judicial campaign to help people gain a better understanding of courts and the legal system?
4. What other methods of communication might help the public gain such understanding in a campaign? How can such materials/methods reach as many people as possible?
5. What are the likely effects of permitting candidates for judge to announce their views on legal and political issues?
6. To what degree should judges be accountable for their decisions, and to whom should they be accountable? What other means, besides retention elections, can be used to hold judges accountable to the public? What is the method in our state? Is it effective?

## Solving the Problem: Educating the Public

### Judges Are Different

1. Unlike other public officials, judges have no constituencies.

2. They make decisions based on the applicable law and facts of each case, not on popular opinion or political pressures.

3. In *The Summons*, a bestseller by John Grisham, one of the characters, a judge, says "A judge who counts votes before the trial should burn his robe and run for the county line."

4. We must explain the proper role of judges in our society and remind citizens they have a right to a fair and impartial judiciary.

### A Call to Action for States with Judicial Elections

5. Lawyers can't solve this problem alone. Lawyers, bar associations, civic groups, and the public at large have to work together.

6. A Resource Kit, "Ensuring Judicial Independence in the 21st Century," is available on the website of the ABA Standing Committee on Judicial Independence <www.abanet.org/judind/resourcekit>. Among the possible programs and action steps included in the Resource Kit are:

- Promote a system of public awareness for the importance of an impartial judiciary. Tennessee serves as a model program.
- Establish a program to defend the judiciary from unwarranted or misleading public criticism. The ABA Standing Committee on Judicial Independence has a model program on how to respond to unfair criticism that has been adopted by over half of state bar associations nationwide.
- Distribute a "judicial campaign" card for voters, a card in the style of a bookmark with concise information.
- Create a judicial campaign oversight committee to monitor the tone and tactics of judicial campaigns and ensure adherence to high standards of campaign conduct.
- Develop outreach programs on the importance of judicial independence. Model programs are available from the ABA.
- Participate in the Judges Network, an Internet-based information site on outreach programs: <www.abanet.org/jd/judgesnetwork/html>.
- Partner with civic organizations to sponsor discussion forums on justice system issues. ". . . *And Justice for All" Ensuring Public Trust and Confidence in the Justice System* explains how to organize such a forum. Copies are available from the ABA and on the ABA website. See page 43 of this guide.
- Establish a Citizens Conference. See pages 41–42 of this guide for guidelines based on a model program in Oregon.
- Work with The Constitution Project and local League of Women Voters chapters to promote the Higher Ground Standards of Conduct for Judicial Candidates. Copies of the standards are available on the website of The Constitution Project: <www.constitutionproject.org>.

### Conclusion

7. The trend in judicial campaigns is alarming. The negativity that has dominated the campaigns for the legislative and executive offices is emerging in judicial campaigns.

- We must be on guard against the perception of impropriety in the judiciary as more money is spent on judicial campaigns.

8. We can continue to support merit selection of judges.

9. For states that continue to elect appellate judges, the ABA recommends public financing of judicial campaigns. In 2002 North Carolina became the first state to adopt a voluntary system of full public financing for appellate and supreme court elections, and bills have been introduced in a number of state legislatures across the country as part of this effort to improve state judicial selection.

10. The ABA has also recommended that "judicial eligibility commissions" be formed to place more importance on professional qualifications in appointive and elective systems.

11. We need to educate voters during the campaign while at the same time minimizing the influence of money in judicial campaigns. Voter guides are a proven means of educating voters about their choices in judicial elections while improving voter participation.

12. We need to discourage certain kinds of campaign conduct such as "attack ads" that unfairly criticize judges and undermine the public's confidence in the judiciary.

13. We must encourage special interests, political parties, and candidates to reduce their inflammatory rhetoric in judicial campaigns regardless of their free speech rights because such rhetoric threatens public confidence in the judiciary.

14. We must educate the public to never lose sight of the foundation upon which American society is built—the rule of law.

15. The price of remaining silent is too steep a price to pay—it could amount to the loss of confidence in our judiciary.

### Discussion Questions

1. How can we explain to the public that judges are different? What kinds of educational/public programs might succeed in reaching a large number of voters? What has been tried in this jurisdiction? Has it been effective?
2. What are the pros and cons of public financing of campaigns? Is it particularly important that judicial campaigns be publicly funded? Why or why not?
3. Widespread perceptions of a two-tiered system of justice are alarming. What can we do to reverse them so that people once again believe that justice is blind and that cases are determined by the law and the facts, not by the wealth and power of the people involved?

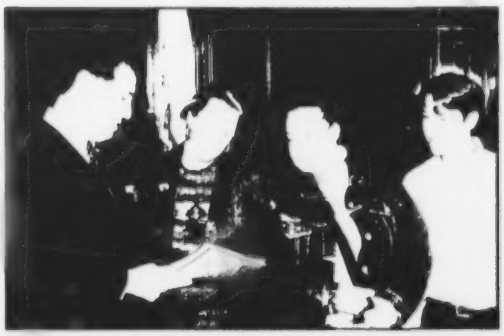
## PROGRAMS AT A GLANCE — Bar Association Sponsored

**Alameda County Bar Association and Alameda County Law Library**
Oakland, CA

| | |
|---|---|
| TITLE | Law Week 2002 |
| CONTACT | Cossette Sun<br>Csun@co.alameda.ca.us |
| BUDGET | $8,000 |

The Alameda County Bar Association Law Day Committee and the Alarreda County Law Library worked together to plan and promote activities during the week of April 29–May 3. One of the activities was to work with local schools and courts to coordinate court tours on May 1. Approximately 250 students toured the court and witnessed the court in session.

During Library Week the library placed copies of historic American documents on display. These documents were incorporated into the Law Week displays in the library. Reference librarians provided tours of the law library throughout the week for middle school and high school students. The librarians talked about the American legal system and how the codes, reporters, and treatises are used. The librarians included materials in the tours that were relevant to the lives of students, such as books on dog laws or music copyrights, in order to show them that the law touches their lives. The students received a packet of information including library services as well as the ABA career booklet "A Life in the Law."



**Spanish-English Brochures**
*Practical law information on important topics, with complete text in both languages.*
*See page 69*

# Connecting with the Classroom

Be sure to check out website resources for Law Day planning on pages 34 and 35 for a variety of materials when planning your classroom presentation.

Now that you have completed the first two steps, PLAN and ORGANIZE, it's time to move forward with the third step: IMPLEMENT. You're ready to contact schools to schedule an appropriate Law Day activity. How do you "make it happen"?

## School Implementation Tips

Schools are dynamic social organizations involving relationships among teachers, administrators, and specialists. Knowing who to contact will make it a lot easier. Consider the following tips.

### ■ Know the Key People

Know your education community. If you have teachers and administrators on your planning committee, they can connect you to the right people in schools and school systems. Once you identify the key administrators, add them to the planning committee. This will be a critical long-term contact.

### ■ Have a Plan

When you make the initial request, have a well thought-out plan of action that includes several implementation options. School people have diverse student populations and will appreciate having good options to choose among. This is not the time to brainstorm. That's the role of the planning committee.

### ■ Know the Issues

Be sensitive to issues that educators face concerning student performance on standardized tests and assessments. It helps to be able to show teachers and administrators how the proposed Law Day activity will support their accountabilities. Showing the connection says that you want to be a partner in the education process.

Be prepared for a school's all-inclusive policy. Although you may target specific classes or students, schools may require that the presentations be provided to all students, not just a targeted number. Make sure you have sufficient volunteers to meet the demand.

### ■ Tout Your Successes

Testimonials are great. Can you identify local educators who will speak on behalf of Law Day? Peers listen to peers. Consider a one-pager outlining the Law Day activities and including a signature list of participating teachers, along with a few quotations.

### ■ Have Fun!

The activity you plan must actively engage students while providing critical information about the U.S. legal system. Enjoy the opportunity to allow students to participate in our legal system "up close and personal."

### ■ Schedule for Next Year

As soon as Law Day is over, contact administrators and teachers to make sure Law Day is on the school calendar for the following year. This will eliminate calendar conflicts with other school activities.

### ■ Be Ambitious

Go wherever students are. Law Day activities are appropriate not only to public, private, and parochial schools, but also to home schoolers, charter schools, and after-school programs such as Scouts, Boys/Girls Clubs, YMCA/YWCA, etc.


**Law Day 2003**
**ECONOMY PACK for Schools**
**SAVE 42%**
*Purchase Early and Save Even More!*

This Economy Pack for Schools gives you everything your volunteers will need to go into the classroom—decorations, handouts for the kids, mugs for the teacher, and tips for the presenter.

Contains:
- ★ 2 Law Day posters
- ★ 2 packages of balloons
- ★ 4 rolls of stickers
- ★ 4 packages of pencils
- ★ 25 Certificates of Appreciation
- ★ 4 mugs
- ★ 4 copies of the booklet *Sure-Fire Presentations*

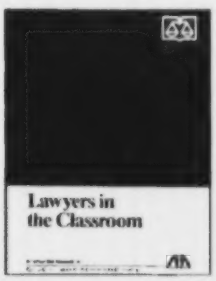
PC# 317-0352P

A $165 value. It's yours for just **$95** package price




BEST COPY AVAILABLE

**Sure-Fire Presentations**
*You've agreed to speak to a group–but what do you say? Try one of the presentations for any grade in this popular handbook.* PC# 497-0010




**Lawyers in the Classroom**
*Tips and general advice for lawyers volunteering as classroom resource persons.*
PC# 497-0008

*See page 66 for both booklets.*

## Where Does Law Day Fit in the School?

**American Government Class**
Lawyers can be a resource for specific lessons. Lawyers can talk to students about the court system and how the law affects students' lives.

**Business Law Class**
In light of recent events in the business world, opportunities for lawyers to discuss those legal issues can only lead to a more enlightened community.

**Law Class**
With the popularity of many legal-oriented TV shows, teachers can invite presentations from a variety of legal professionals, such as law enforcement officers and investigators.

**Legal Science Class**
Students can combine basic constitutional principles and forensic science while participating in mock trials. Lawyers can serve as resource persons as they coordinate and coach mock trials.

**Technology Class**
State troopers and other officers can talk about how technology is used in the court process.

**Life Skills Class**
Young lawyers can speak and interact with students about issues such as how the court system treats young people and how the law will affect them once they reach the age of majority. Some bar associations have created "Now That You're an Adult" booklets that cover such areas as making contracts, purchasing goods, and renting an apartment.

## Suggested School Activities

**Mentor/Job Shadow/Internships/Career Day**
Great resources for mentoring opportunities and educating about careers are <www.americaspromise.org> and <www.jobshadow.org>. Here are some ideas for the legal community.

- Lawyers can invite students to watch them try actual court cases. Debriefings can be scheduled afterward.
- Law students can read with emerging readers on a weekly basis, as part of a course in Literacy and Law.
- Lawyers can assist as mentors in the strenuous International Baccalaureate program for advanced students.
- Lawyers can become e-mentors, keeping in touch with students by e-mail every week and providing an ongoing dialogue on legal current events.
- The court system can operate an internship/mentorship program. The year-long program enables students to gain experience in various areas of law and the courts. Mentors advise students about the education needed to prepare for law school. This can be especially helpful for economically disadvantaged students who are interested in pursuing a career in the law.
- Law firms can offer all-day job shadowing. Half of the students can serve as jurors for a mock trial put on by a law firm's younger associates. The other half of the students can be given a legal question and shown how to find the answer in the firm's library. In the afternoon, they reverse the experience.

**Mock Trials/Moot Court**
Teams of students prepare to try the same case. Student teams may defend or prosecute. They enact the trial and are judged on the quality of their efforts. Select sample cases provided by the ABA or other LRE projects on pages 64-67 of this guide. Cases are available for all grade levels.

There are plenty of roles for legal professionals.

- Lawyers can serve as coaches as students prepare. This can include presenting a general overview of the court system, helping students prepare cases, offering advice, serving as mentors, and helping teams refine their case strategy and courtroom skills.
- The trial can be enacted before a visiting attorney or judge.
- A panel of lawyers or judges can evaluate students' performances.

Always keep in mind planning for future years by having the experienced lawyers train new coaches and keeping a steady stream of enthusiastic new people involved.

## PROGRAMS AT A GLANCE — Mock Trials with a Twist

**U. S. District Court, Clerk's Office**
Los Angeles, CA

TITLE Law Day 2002

CONTACT; Lydia A. Yurtchuk
Special Projects, Clerk's Office
Lydia_yurtchuk@cacd.uscourts.gov

BUDGET $300

The court's primary Law Day focus was a mock trial that was developed and scripted by court personnel, with the assistance of the staff of the U.S. Attorney and Federal Public Defender. The court put on the mock trial 13 times throughout the four days of Law Week. The script starts with an arrest and progresses through the trial. The arrest was made by actual U.S. Marshals. From the arrest to the jury verdict, the trial was presented so the students could see the legal system in action by actually being involved. All students were involved—there was no passive audience.

## PROGRAMS AT A GLANCE — Mock Trials with a Twist

**Orange County Bar Association**
Orlando, FL

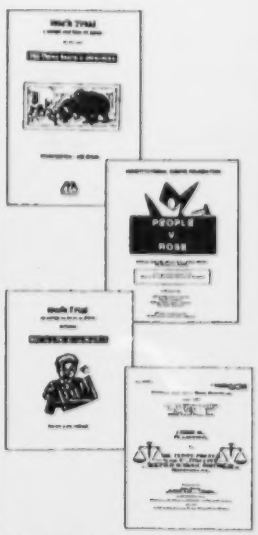
TITLE Law Week 2002

CONTACT Heather Pinder Rodriguez and
Nick Shannin
Law Week 2002 Co-Chairs
hprodriguez@hklaw.com

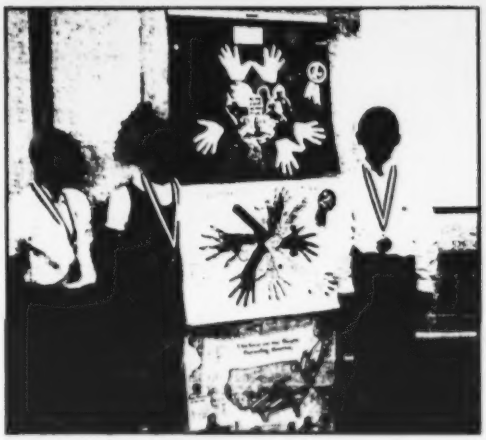
BUDGET N/A

DUI Mock Trials were conducted for approximately 20 classes at five local high schools. Over 400 students attended these trials, which were moderated by 12 attorneys and three judges who volunteered their time. These trials served to educate local high school students about both the legal system and the ramifications of drinking and driving.

**Mock Trials from Around the Country**



**Mock Trials for Every Grade**
*Check out the great civil and criminal mock trials for students from preschool to high school.*
See pages 64–67.



## School-Based Competitions

!!! Check out <www.lawday.org> for general guidelines on successfully promoting and conducting contests.

Contests and competitions generate excitement about Law Day and provide a good way to recognize excellence among students, build Law Day awareness within the community, and raise the visibility of the legal community. Such activities are a win-win for all involved.

Be sure to offer a variety of contests and competitions to allow students of all ages to express their personal feelings while researching the facts.

The Law Day 2003 theme "Independent Courts Protect Our Liberties" should help you develop contests and competitions that reach students in classes such as social studies, art, speech, public speaking, English, and the like. Consider the following checklists.

### Essay Contest Ideas

!!! Check out the Talking Points in this planning guide beginning on page 9 for ideas and topics that can be used with all types of contests and competitions. A few are highlighted here.

- Research how judges are selected in your state and show how the system does or does not help the public see judges as fair and impartial.
- How are judges selected in other nations? What can we learn from these examples?
- Research the various methods used to select judges in this country and select the one that you believe is most conducive to judicial independence.
- Federal judges are selected by the President of the United States and must be confirmed by the U.S. Senate. Does this system lead to a fair and impartial judiciary? Why or why not?
- Should judges be elected? What are the strengths and weaknesses of the people selecting judges at the ballot box?
- If judges are elected, should they run on party labels? What effect would this have on the public's perception of judicial independence?
- If judges are elected, should they raise money for their campaigns? How else could judicial elections be funded? What is the effect of various means of funding on perceived judicial independence?

### Photo & Poster Contest Ideas

- Ask students to photograph (or draw) representations of this year's theme "Independent Courts Protect Our Liberties." What images capture the role of courts in preserving and protecting the rule of law?
- You can offer your own contest, with your own judges and prizes, or you can encourage students to enter the ABA's national Images of Freedom photo competition (see page 54). Or you can do both—offer your own contest and enter the winners in the ABA's national contest.
- Have students create a poster that illustrates "Independent Courts Protect Our Liberties."
- Ask students to create a poster montage that reflects the different type of courts in the American legal system.
- Have students design artwork suitable for a billboard and purchase the use of the billboard to advertise Law Day events for the entire month.

The Stark County Bar Association (Canton, OH) offers a photo contest for 6th grade students, requiring the use of disposable cameras purchased and distributed by the Bar Association. Teachers request the number of cameras needed. Each camera is used by up to three students, and all photos must relate to the Law Week theme. Cameras are turned in and developed by the Bar Association. Last year 120 students from six schools took part in the photo contest.

**Olympic-Style Medals**
*Special Law Day medals are a memorable award for top finishers in your contest.*
PC# 317-0334
See page 63.

## Checklist of Successful Ingredients for Contests and Competitions

**Theme**
Remember when you were a student. What kinds of things are of interest to students? How can their interests be related to the Law Day theme to encourage their participation? Keep your contest fresh. New ideas can capture the imagination of students.

**Teacher Support**
Engage the classroom teacher. Teachers are always looking for relevant topics to use when making student assignments and meeting accountabilities.

**Contest Judges**
You might involve members of the local bar to judge contest entries. But also consider a local photographer to judge the photo contest and other people from the community to serve as judges. For example, the Stark County Association of Legal Professionals and League of Women Voters helped judge contest winners for the Stark County Bar Association (Canton, OH).

**Awards**
All participants should be acknowledged with a certificate of appreciation. With today's computer capability, it is easy to customize certificates. Everyone appreciates recognition. Cash prizes are nice but not always necessary. Certificates presented at a public gathering such as the Law Day luncheon or the annual School Recognition event can be sufficient.

Prizes could be reflective of the contest. Consider an inexpensive camera for the winner of the photo contest.

**Publicity**
Consider the extended benefits of displaying the entries where the community can view them, such as the city hall, courthouse, shopping mall, airport, state capitol, schools, law offices, and other public places. The winners' work could be displayed in local newspapers and on legal websites. The winning artwork (photo, poster, or coloring) could be used as illustrations in local law publications.

**Poster Contests from Around the Country**

## PROGRAMS AT A GLANCE — Teaching Through Competitions

**El Paso County Bar Association ■ Holland & Hart, LLP**
Colorado Springs, CO

TITLE Law Day Poster & Essay Contests

CONTACT Timothy J. Schutz
tjs@hanesschutz.com

BUDGET $629.96

The companion contests are designed to give younger students an opportunity to explore the real meaning of the "rule of law." The goal is interactive discussion of ideas rather than just obtaining posters and essays. In the teacher information packet, a variety of class discussions on specific topics and classroom activities provides a background for the development of the posters and essays. To reinforce the goal of interactive discussion on the rule of law, volunteer lawyers and judges go into the classroom.

Many essays reflected a sophisticated examination of the American legal system's response to the events of 9/11, including examination of the United States Patriot Act and various constitutional challenges to it, unquestionably reflecting exactly the kind of spirited classroom discussion hoped for. Five hundred student entries were received.

**Award Certificates**
*A decorative set of first-, second-, and third-place certificates. Perfect for winners of school competitions.*

PC# 317-0248

See page 63.

## Achieving Success in the Classroom

Here are some tips for lawyers, judges, law enforcement people, and anyone else from the community making presentations on Law Day or any day.

**Before the Presentation**

While you have the primary responsibility for presenting the activity, the teacher is crucial to the activity's success. Schedule a planning session with the teacher before the big day.

- Provide the teacher with a copy of your activity. Discuss not only the content of the activity but also the methodology you plan to use. Ask the teacher for advice as to the appropriateness of both the activity and the methodology. If the students have never participated in a case study or other type of simulation, it might be difficult to have a smooth operation. Solicit suggestions on how to ensure success.
- Work with the teacher to find a way to use students' names. Will there be a class roll, name tags, table tents, etc.?
- If your activity will involve moving students into groups, ask for the teacher's assistance, in advance, as to the best way to divide the class into groups.

You may want to consider making an observational visit to the class, just to observe the normal class routine. During your observation, make note of the following.

- Is there a noticeable clock in the room that will allow you to stay on schedule? If not, make sure you bring a watch.
- How many students are there in the class? How will this number affect any interactivity you may plan?
- How does the teacher encourage orderly participation? How does the teacher involve all students?
- If you will be using visuals, will there be a place to display them?
- Will you need audiovisual equipment in your presentation, such as a VCR, a television, and screens? Will the teacher have access to such equipment on your scheduled day, or will you need to provide your own equipment?

**On the Day of the Presentation**

- Know and adhere to the school's policies regarding visitors.
- Arrive early, but don't interrupt the class. Be sure to allow for a few minutes to get organized.
- Dress professionally.
- Be friendly and be yourself. Consider meeting the students at the door and acknowledging them. If you have visited the class before, students may recognize and acknowledge you.
- Have a dynamic opening to the presentation. Consider using a startling fact or question that will pull everyone's attention to you.
- Use language students can understand but don't talk down to them.
- Avoid lecturing.
- Invite questions and ask questions as a way to get students involved. Never criticize a student's question. All questions deserve an honest response. If you don't know the answer, say so, and agree to locate the answer and get back to the students.
- Try to involve as many students as possible.
- Be prepared for the unexpected. It is possible to get "off track" because of the interest and curiosity of the students. Encourage students' input and allow digression, but look for an opening to get the activity back on track.
- Don't get caught in the middle of a school discussion or dilemma. Don't take sides against the school. Always stress responsibility as well as rights when talking about the law.
- Watch the clock! Schools and students are very sensitive to the clock.
- Leave all discipline to the teacher.

**After the Presentation**

- Celebrate the success.
- Send a thank-you note, not just to the teacher but to the class.

22

**Law Day Stickers**
*A great giveaway for elementary children.*
PC# 317-0332

See page 59

# STRATEGIES FOR TEACHING About the Courts

## How to give a great presentation at any grade level


- Grades K–3: People Who Make Courts Work (this page)
- Grades 4–6: Legislators, Police Officers, and Judges (p. 21)
- Grades 7–12: What Makes a Good Judge? (p. 25)
- Grades 7–12: What Is Judicial Independence? (p. 31)


### Grades K–3 Strategy: Due Process Freedoms

**Title** People Who Make Courts Work

**Time Required** Approximately 30 minutes

**Overview** Using a situation in which a person is accused of committing a crime, students identify the various types of persons whose jobs in the courtroom ensure that due process (fair procedures) occurs in determining the person's guilt or innocence.

**Presentation**

**Introduction**

Begin the class by introducing yourself to the students. As you do so, remember when you were this age and what you might like to know about other people.

Be sure to provide a brief explanation of why you are in the classroom on this particular day. If you have an official Law Day poster, hang it where all can see it. You might consider saying the following, in your own words.

> *Today, people throughout the United States are celebrating Law Day. I believe it is very special because I work in the legal field and am very proud of the work I do. But, more importantly, it is special because it allows us to stop and think about our country, the United States of America, and the freedoms we all share. It is also special because this day provides us with an opportunity to talk about the laws that protect us and provide us these very special freedoms.*

Build student ownership in the proposed activity by telling the students:

> *Last week I overhead a conversation that made me stop and think. I decided it would be a good to share the conversation with you and maybe you could help me answer my questions.*

Ask the following questions.

- *Would you like to know what I heard?* Encourage positive nods.
- *Would you like to help me answer my questions?* Encourage positive nods.

Tell the conversation you overheard—

> *Last week I was in the grocery store and I overheard several people talking very excitedly about a student who had been accused of throwing a rock through a school window. They were all saying what kind of punishment they thought the student should receive.*

Reinforce the students' attention by asking them if they know what you were thinking when you heard the conversation. Accept a few responses.

> *My first question was, Do these people know for sure the student threw the rock?*

Ask, *Why would I say this?* Accept a few responses. Then remind the students that a person is believed innocent until he or she has been proven guilty. Before you continue, it is very important for students to understand the terms *innocent* and *guilty*.

**Objectives**

Students will

- Understand the concept of due process.
- Understand the jobs people do within a court procedure.

**Preparation**

- Be sure to talk with the teacher in advance about this activity. Provide the teacher with a copy of the activity.
- Because the activity is interactive, you will need the assistance of the teacher to make sure the lesson remains focused. Ask the teacher to help you select the students who will be asked to come to the front of the room.
- The signs should be about $8\frac{1}{2}$" x 11" in size. Bold, printed signs are best. Consider leaving the signs with the teacher for follow-up reinforcement of vocabulary terms.
- In using the signs, have the students hold the signs in front of themselves for all to see. As a safety precaution, do not use pins or yarn on the signs

**Materials /Equipment**

- One sign each for JUDGE, DEFENSE ATTORNEY, PROSECUTING ATTORNEY, and COURT REPORTER.
- Sufficient number of JURY signs for the remainder of the class. It is always good insurance to have a few extra cards so no student is left out.

Continue the talk by saying, *My second question was, Where will we decide the guilt or innocence of this student?*

Look the students in the eyes and ask, *Do you know where?* Accept a few responses. You might want to write the answers on the board or flip chart. After a few responses, write the word *court* on the board or flip chart. Have the students repeat the word after you.

Explain that a court is a special place where people meet to make decisions about problems. This is a very simple explanation but remember the age group. What you want the students to understand is that courts try to find the truth by using processes that assure the accused person has a fair chance to defend him/herself.

Point to the word *court* and explain that courts include many people with very special jobs. These people make certain that we all do things that are fair when the court tries to decide whether someone broke the law.

**Activity**

Explain that today students are going to learn about these people but you will need their help. Ask if they are willing to help you.

- Select one student to come to the front of the room. Ask the student to hold the JUDGE sign where all can see. Have the students pronounce the word.

  As you ask the following question, point to the sign and have all of the students say the word, *"Who do we need to be in charge of making sure that everyone does things the fair way?"* (Judge)

  Provide a brief, simple explanation of what judges do.

- Select another student to come forward, hold the sign DEFENSE ATTORNEY where all can see, and stand on one side of the judge. Have the students pronounce the words.

  As you ask the following question, point to the sign and have all of the students say the words, *Who will help the student tell the story as the student sees it?* (Defense attorney)

  Provide a brief, simple explanation of what a defense attorney does. (This person needs to know all about the law and the rules of the court and represents the accused student.)

- Select another student to come forward, hold the sign PROSECUTING ATTORNEY where all can see, and stand on the other side of the judge. Have the students pronounce the words. As you ask the following question, point to the sign and have all of the students say the words, *Who do we need to represent the people who think the student is guilty?* (Prosecuting attorney)

  Provide a brief, simple explanation of what a prosecuting attorney does. (This person needs to know all about the law and the rules of the court and presents the case against the accused student.)

- Select another student to come forward, hold the sign COURT REPORTER where all can see, and stand in front of the judge and attorneys but to one side. Have the students pronounce the words.

  As you ask the following question, point to the sign and have all of the students say the word, *Who do we need to keep a record of what happens so that we can check for mistakes and make sure that everything that happens is fair?* (Court reporter)

  Provide a brief, simple explanation of what a court reporter does. (This person takes down all that is said in court.)

- Explain that the law says that people accused of crimes can choose to have people like them decide whether they are guilty or not guilty. These people are called the JURY.

  Distribute signs to the rest of the students and let them hold the signs on their desktops where all can see.

  After you provide brief, simple explanations to the following questions, have the students hold their JURY signs up and repeat the word.

  - What does a jury do?
  - How does the jury find people guilty or not guilty?

**Summary and Closure**

Review the jobs by pointing to the appropriate sign.

JUDGE

DEFENSE ATTORNEY

PROSECUTING ATTORNEY

COURT REPORTER

JURY

Remind the students that all of the jobs are important if everyone is to be treated fairly. Point out that

- Both sides have the chance to tell their story.
- The judge does not take sides.
- The jury decides on the basis of what it hears in court.

Close by asking, *Do you think the student is guilty of throwing the rock through the window?*

Before the students can answer, smile and remind the students that a person is believed to be innocent until he or she has been proven to be guilty.

Ask a follow-up question, *Where will a person be able to get a fair hearing?* Point to the term *court* on the board or flip chart.

Thank the students for helping to answer your questions.

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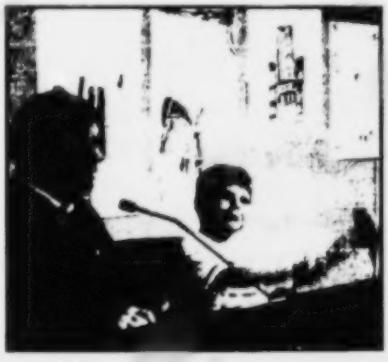
*Adapted from a strategy by Dale Greenawald first published in the ABA magazine Update on Law-Related Education.*



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## Grades 4–6 Strategy: Separation of Powers

Note: This lesson would be appropriate for a lawyer, judge, or government official. It will take one to two hours, but only one if the resource person focuses on the first activity—on the legal system.

**Title** Legislators, Police Officers, and Judges

**Time Required** One or two class sessions—the first activity can easily be done in one.

**Overview** Using an interactive approach involving role-playing and questions and answers, students experience a personal understanding of how laws are made, enforced, and applied and thus are helped to understand the concept of separation of powers.

### Presentation

#### Introduction

Begin the class by introducing yourself to the students. As you do so, remember when you were this age and what you might like to know about other people.

Be sure to provide a brief explanation of why you are in the classroom on this particular day. If you have an official Law Day poster, hang it where all can see it. You might consider saying the following, in your own words.

> *Today, people throughout the United States are celebrating Law Day. I believe it is very special because I work in the legal field and am very proud of the work I do. But, more importantly, it is special because it allows us to stop and think about our country, the United States of America, and the freedoms we all share. It is also special because this day provides us with an opportunity to talk about the laws that protect us and provide us these very special freedoms.*

Establish focus for the activity by writing the word *law* on the board or flip chart where all can see and asking if someone can define the word. Allow for several responses. Use a classroom dictionary to read the definition.

- Law = a rule of conduct that a group of people agree to follow; a collection of established rules

#### Activity for First Part of Lesson

Explain that you are going to select two students to do a role-play with you and that you want the rest of the class to listen carefully to see if they hear anything out of the ordinary. With the teacher's assistance, select two students to come to the front of the class to role-play the parts of "You" and "Officer" in the reading, "He Does It All" (p. 23). Give the two students a minute or two to review their lines while you ask the students what is their favorite law.

Read the introduction aloud and then have the two students read their roles. When the students finish, be sure to thank them for their participation as they return to their seats.

Ask the class the following questions.

- *Did anyone hear anything that did not sound correct?* Ask for a show of hands.
- *What did the officer do?* (He made a new law, he enforced his new law, and he applied his law.)
- *Could this happen in the United States?* (Not legally.)
- *Why?* (People do not just make up laws—not even police officers.)

The resource person can discuss how the legal system works in this country. How is power divided within the system? What is the role of the police officer? What happens after the officer makes an arrest? What is his/her role in a trial? What is the role of the lawyers on

#### Objectives

***First Activity***—To help students place public officials into three categories:

a. Rule makers—The Legislative Branch

b. Rule enforcers—The Executive Branch

c. Rule appliers—The Judicial Branch

***Second Activity***—Students will

- Understand the concept of separation of powers.
- Recognize how the Constitution provides for separation of powers.
- Categorize public officials into one of three branches of government.

#### Preparation

- Be sure to talk with the teacher in advance about this activity. Provide the teacher with a copy of the activity.
- In reviewing the activity with the teacher, ask for assistance in selecting two students to read aloud. This step will prevent possible embarrassment of poor or non-readers.

#### Materials/Equipment

***First Activity***

- Four copies of *He Does It All* (page 23)
- Classroom dictionary

***Second Activity***

- Classroom set of the Constitution
- Board/flip chart with appropriate markers
- Current pictures of national leaders

either side? The role of the judge? The jury? Who makes the law that the police officer enforces? Examples from actual cases or a walk-through of a typical case would be helpful.

**Activity for Second Part of Lesson**

(Note: This can be done by the resource person or by the teacher after the resource person has presented.)

Write the term *separation of powers* on the board or flip chart where all can see. Below the term, write the following.

Legislative = Make, change, and repeal laws

Executive = Carry out the law

Judicial = Interpret the law

Take a minute to briefly explain the fundamentals of our country's legal system and how power is divided within the three branches of government providing for checks and balance. Explain the role of the police officer in our legal system and the relationship of the police officer to the three branches of government.

As a brief review of the three branches of government, point to each word and ask the following questions.

■ **Legislative**

1. *Who works there?* (Senators in the Senate; representatives in the House of Representatives)
2. *What do they do?* (Make, change, and repeal laws.)

■ **Executive**

1. *Who works there?* (President, Vice President, cabinet members, and people who work in departments and agencies)
2. *What do they do?* (Carry out laws; in addition, the federal agencies and departments make federal regulations and see that they are enforced.)

■ **Judicial**

1. *Who works there?* (Supreme Court justices and federal judges)
2. *What do they do?* (Interpret and define what laws mean in specific cases; determine if any laws go against the Constitution.)

Show pictures of your state's senators and representatives, the President, and the Supreme Court one by one and have the students identify the correct branch of government. Congratulate the students on a job well done.

Distribute to each student a copy of the Constitution. On the board, draw a trunk of a tree and label out to the side "U. S. Constitution." At the top of the trunk draw three lines radiating out of the trunk and label above them, "Three Branches of Government." Ask the class, *What are the three branches of government?* Point to the three terms previously written on the board as a reminder.

Have students look at **Section 1, Article 1** of the Constitution as you read the section. Ask the students which branch is discussed. (Legislative) Label one of the radiating lines "Legislative or Congress" and put a 1 on the branch.

Have the students look at **Section 1, Article 2** of the Constitution as you read the section. Ask the students which branch is discussed. (Executive) Label one of the radiating lines "Executive" and put a 2 on the branch.

Repeat the process by having the students look at **Section 1, Article 3** of the Constitution. After you have asked the students which branch of government is discussed, label the last radiating line "Judicial" and put a 3 on the line.

Using the tree diagram, review the concept of separation of powers. Stress the names of the three branches, their functions, the concept of separation of powers, and why this concept is essential to our form of government.

**Continuation Activity:** If there is time, the teacher or resource person can work with the students on an extended discussion of separation of powers.

Have the students return to Article 1 of the Constitution. Read aloud Paragraphs 1 and 2, Section 2, asking *What are the requirements to be a member of the House of Representatives and how long is the term?* (Serve for 2 years; be at least 25 years old and a citizen of the United States for 7 years.)

Repeat the process with Paragraphs 1 and 3, Section 3, asking, *What are the requirements to be a member of the Senate and how long is the term?* (Serve for 6 years; be at least 30 years old and a citizen of the United States for 9 years.)

Repeat the process with Paragraphs 1 and 5, Article 2, asking, *What are the requirements for being President and how long is the term?* (Serve for 4 years; be at least 35 years old and born in the United States.)

Have students take a minute and think about which office they would like to run for and why. Allow for several responses.

**Summary & Closure**

Review the concept of separation of powers. Be sure to tell the students how much you enjoyed working with them and learning more about how the concept of separation of powers protects our freedoms.

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Adapted from an article in *Update on Law-Related Education*, published by the American Bar Association. It was taken from the *Utah Law-Related Education Elementary Lesson Plan Book* and is reprinted with the permission of the Utah Law-Related Education Program.

STUDENT Handout

# He Does It All

(A Make-Believe Tale)

**Introduction**

It's a beautiful April afternoon. You've just arrived home from school. Even before you get through the front door, your mother meets you with an armload of books. "Take these back to the library, would you please? We've got to get them back today, or they'll be overdue." She then adds the magic words "You may take the car if you wish." Hey that's all right. You just got your driver's license. Off you go.

When you return to your car after dropping off the books in the book drop, a police officer is standing by your car. Good grief, what could be wrong? He hands you a ticket. (With your new driver's license, you had been really careful. You were in a parallel parking space, just the right distance from the curb, and you had checked carefully for "No Parking" signs.)

**Role-Play**

| | |
|---|---|
| You: | What did I do wrong, officer? |
| Officer: | You can't park here. |
| You: | But there isn't a "No Parking" sign. |
| Officer: | I just made it "No Parking." |
| You: | But you can't do that. |
| Officer: | I can now. You are under arrest. |
| You: | Arrest? How can I be arrested when I didn't break the law? |
| Officer: | You did break the law—my law. You are under arrest. |
| You: | What happens now? |
| Officer: | I try you. |
| You: | Try me! You're not a judge! |
| Officer: | I am now. You're guilty. I fine you $25.00 and costs. |
| You: | How much are the costs? |
| Officer: | Another $25.00 |
| You: | But I am not guilty! |
| Officer: | Pay me. |

## PROGRAMS AT A GLANCE — School Sponsored Programs

**Mullen Social Studies Department • Mullen Moms**
Denver, CO

TITLE Mullen Law Day 2002

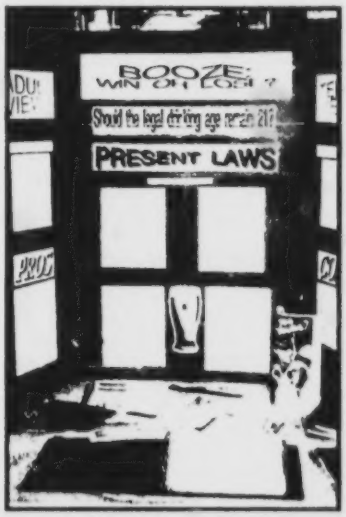
CONTACT Barbara Figg, Social Studies Teacher
Figg@mullen.pvt.k12.co.us

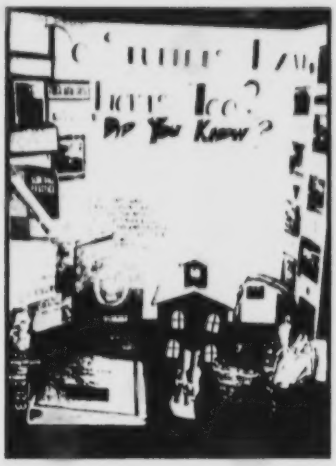
BUDGET $150

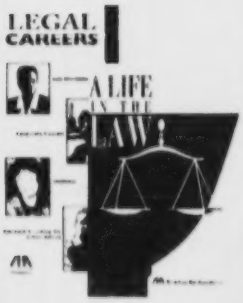
Law Day 2002 was a high school government project, advertised with school television announcements and posters hung around the school. Approximately 150 students created displays addressing pressing legal issues. This was Mullen's first attempt at participating in Law Day.

Because the feeling existed that not everyone is assured equal justice under the law, students began to search for areas in our society that were not promoting total equality. Some of the topics identified were prisons, gun laws, hate crimes, domestic violence, sexual assault, pedophiles, insanity plea, death penalty, euthanasia, curfew, school laws, drug laws, and drinking laws. Students discussed if and when safety overrides liberties. Students then researched court cases and current events to support the discussion. Students conducted surveys to identify public opinion. All of the information was compiled into creative displays.

On May 1, a panel of six legal experts spoke about their roles and views on legal matters. Then students explored the various displays, hosted by students, learning more about the various legal issues.






**Legal Career Resources**
*Inexpensive legal careers brochures* (PC# 235-0035) *come in classroom sets, so you'll have enough for each student. A Life in the Law booklet* (PC# 235-0036) *provides in-depth information.*
*See page 68.*

## Grades 7–12 Strategy: Judicial Independence/Judicial Accountability

**Title** What Makes a Good Judge?
(Balancing Judicial Independence and Judicial Accountability)

**Time Required** 1–2 class periods

**Overview** The ideal process for selecting judges remains a matter of controversy among scholars, lawyers, jurists, and citizens 200 years after our country's founding. Too often, two desirable qualities—accountability and independence – are debated without clarifying to whom judges should be accountable or what is meant by an independent judiciary. This activity asks students to weigh the costs and benefits of two methods of selecting judges (election and merit) by participating in an exercise in which they define the qualities they find desirable in judges.

### Presentation

#### Introduction

Begin the class by introducing yourself to the students. As you do so, remember when you were this age and what you might like to know about other people.

Be sure to provide a brief explanation of why you are in the classroom on this particular day. If you have an official Law Day poster, hang it where all can see it. You might consider saying the following, in your own words.

> *Today, people throughout the United States are celebrating Law Day. I believe it is very special because I work in the legal field and am very proud of the work I do. But, more importantly, it is special because it allows us to stop and think about our country, the United States of America, and the freedoms we all share. It is also special because this day provides us with an opportunity to talk about the laws that protect us and provide us these very special freedoms.*

Establish a focus for the activity by asking the students to describe what they think of when they hear the word "judge." Allow for several responses. Explain that today you will be discussing with them how individuals are selected to become judges.

#### Activity

Distribute Handout 1. Review the directions and ask students to complete the handout. Call time after a limited but sufficient amount of time.

Ask for volunteers to share the most important qualities that they listed in each category. Reach agreement on the top four qualities in each category. Using the board or flip chart, use those qualities to draft a definition for a good judge. Do the qualities they selected seem to favor accountability or independence?

If time permits, at the end of the activity, return to Handout 1 and assign small groups to use the characteristics to develop desirable characteristics for a specific type of judge, such as Divorce Court, Bankruptcy Court, Traffic Court, and Juvenile Court.

- Discuss the lists.
- Ask the students if they believe a single judge would be suited for all types of courts.
- Ask the students if they feel the criteria for selecting judges should be refined to match the type of cases the judge will be hearing.

Explain that while there are various methods to select judges, today you are discussing two specific ways: the election and merit methods. As a way to engage the students in a discussion of these two methods, guide students through the following steps.

#### Objectives

Students will

- Define the qualities that should be considered when selecting a judge.
- Evaluate the costs and benefits of two methods of selecting and retaining judges. Do they provide for judicial independence and judicial accountability?
- Discuss the strengths and weaknesses of the judicial selection process in their state.

#### Preparation

- Be sure to talk with the teacher in advance about this activity. Provide the teacher with a copy of the activity.
- This activity is enhanced if delivered by a judge, lawyer, or member of the judicial district's nomination committee or judicial performance committee. Otherwise, the individual should serve as a resource person.

#### Materials

Sufficient copies of the following handouts for class distribution.

- Handout 1: What Makes a Good Judge? (page 27)
- Handout 2: Two Proposals for Selecting Judges (page 28)
- Handout 3: Judicial Selection Methods—An Overview (page 29)

Have the students look at their completed Handout 1. Ask,

- *Which qualities on the list would be important if judges* ***run for office****?*
- *Can you identify how some of the qualities that it takes to get elected (good campaigner, contributions to political party, ties to special interest groups) might conflict with qualities you have placed in the essential or desirable columns?*

You may wish to give a current-event example of a case where a judge must rule on a controversial issue.

- *In contrast, which qualities would be most important if a judge is to be* ***selected through the merit system****?*

Ask the students to vote by a show of hands as to which process they feel would more likely result in judges with the qualities they have identified. Should judges be selected by election or merit?

Distribute Handout 2. Review with the students the costs and benefits analysis of the election and merit methods of selecting judges.

Distribute Handout 3. Review the background section on the page with the students by briefly discussing some of the historical background of selecting judges throughout the United States.

Have the students look at the map and the chart. Answer the questions concerning the map and chart.

Poll the class to determine what students know about how judges are selected in their state. Specific information about individual state courts (and courts in other states) can be found at <vls.law.vill.edu/Locator/statecourt>.

Remind the students of two important facts: Each state's constitution specifies how judges will be selected, and there is no one single agreed-upon method.

- Support this point by saying that at least some research studies designed to show differences among judges based on the method of selection have found no significant differences.
- In a 1994 *University of Miami Law Journal* article, Jona Goldschmidt reports on research that attempts to relate personal characteristics of judicial decision making to judicial selection. She reports that "after considering the findings of fourteen studies, [one research team] point[ed] out that attempts to relate background characteristics to individual judicial decision making 'have not been very successful.' "

**Summary and Closing**

After reminding the students that there are strengths and limitations to each selection process, ask for a show of hands as to which selection process they favor. Ask if anyone has changed his or her opinion since the beginning of the discussion. Why or why not?

Can students reach a consensus on one method or build a system that combines the best attributes of both?

Based on the discussion of the benefits and costs of two methods, what specific changes would students want to see in the way judges are selected in their state? What changes can be made so that the qualities they identified for judges are ensured?

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Source material: Landman, James, "An Elusive Idea: Judicial Selection and American Democracy," *Social Education*, vol. 66, no. 5 (September 2002), pp. 293–301. Strategy adapted by Nancy Brown and Barbara Miller from "What Makes A Good Judge: Analyzing Judicial Independence and Judicial Accountability in Colorado," a lesson developed with the collaboration of Barbara Miller, Mike Brooks, Gordon Butz, Marilyn Johnstone, and Rebecca Virtue.

STUDENT 1 Handout

# What Makes a Good Judge?

**Directions** Assume you are appointed to a committee to determine what qualities should be used in selecting judges in your state. Review the list of qualities provided below the chart and categorize them under the most appropriate heading. Following the activity, develop a definition for a "good" judge.

| ESSENTIAL & FORMAL REQUIREMENTS | DESIRABLE QUALITIES | UNDESIRABLE QUALITIES | UNNECESSARY QUALITIES |
|---|---|---|---|
| | | | |

**Qualities**

- Aggressive
- Business background
- Bilingual
- Brilliant mind
- Christian
- Civil rights activist
- Clear thinker
- Collegial
- Concise writer
- Conservative
- Controversial
- Defense oriented
- Determined
- Democrat
- Distinguished lawyer
- DWI conviction
- Eminent legal scholar
- Ethnic minority
- Fair
- Family-oriented
- Female
- Feminist
- Follows party line
- Good campaigner
- Good fundraiser
- Good health
- Good looking
- Held public office
- Honest
- Humane
- Impartial
- Independent thinker
- Judicial experience
- Liberal
- Lobbyist
- Loyal
- Male
- Mediator
- Middle of the road
- Member of a gender-specific group
- Old and wise
- Opposes higher taxes
- Opposes school prayer
- Pro death penalty
- Proenvironment
- Prosecution-oriented
- Radical
- Religious
- Risk-taker
- Rural background
- Self-reliant
- Service to the public
- Single parent
- Strict constructionist
- Strong communicator
- Supports welfare
- Tough on crime
- Traditional
- Trial attorney
- Trustworthy
- U.S. citizen
- Well-educated
- Youthful

**Definition of a Good Judge**

Adapted from "What Makes a Good Supreme Court Justice," from a lesson by Debra Hallock Phillips in *Update on Law-Related Education*

STUDENT 2 Handout

# Two Proposals for Selecting Judges

**Background**

Currently, there are six methods of selecting judges, each a variation on three basic models—appointment, election, and merit selection. Debates rage in many states regarding how best to balance calls for accountability with the need for independence. Such debates translate into calls for reforming the selection process.

Arguments for the two most common methods, election and merit, are outlined below. Review the benefits and costs of each method.

- Which method would support your definition of a good judge?
- How do you think each selection method shapes the administration of justice and impartiality of judicial decision making?
- Does the process result in more judicial independence? More judicial accountability?

**Method #1: Election**

In nine states, judges run as members of a political party. In 12 other states, the elections are nonpartisan, meaning the judges do not reveal their political affiliation. A recent Supreme Court decision, *Republican Party of Minnesota v. White*, affirmed the right of judges to tell voters about their positions on specific political and legal issues that might come before them. Proponents of elections are not necessarily in agreement about how elections of judges are similar to and different from elections in other branches of government.

**Benefits**

- Many Americans believe the political preferences of judges are an important consideration.
- The Federalist Society argues that judicial elections, while not flawless, are better than the alternatives.
- Elections provide accountability in the form of an additional, significant measure of self-government to voters.
- As the legal system deals with increasing and aggressive legal suits such as the recent tobacco and on-going gun lawsuits, the public in states that elect judges will be better able to rein in the judiciary and block the continued deterioration of the civil justice system.

**Costs**

- Controversial races create pressure to raise more money.
- Spending by candidates, special-interest groups, and political parties on judicial elections is at an all-time high. As a result, candidates are forced to solicit campaign contributions from lawyers and possible litigants.
- Candidates, often the largest contributors to the campaigns, may end up in debt.
- In large statewide races, candidates may lack sufficient money to inform the voters of their merits.
- Given the nature of the judicial elections, voters often lack clues they need to gauge the merits of individual candidates, such as party affiliations, committee assignments, voting records, press releases, or policy positions.
- Critics say judges should spend their time reducing the backlog of cases rather than campaigning for office.

**Method #2: Merit**

Merit selection was proposed as a means of separating judges from the election process. A nominating committee that is comprised of both lawyers and nonlawyers presents the governor with a list of nominees, from which the governor selects an appointee. After a stated term, the judge then stands for an election with no party affiliation and no opponent. The judge will be retained if he or she receives a certain percentage of the vote. Twenty-four states and the District of Columbia use some type of merit plan for selecting some or all of their judges.

**Benefits**

- Advocates of the merit system point to the benefits of selection by a nominating committee that include lawyers who bring expertise to the selection process.
- They feel that is an improvement over elections in which voters do not vote because they are uninformed about judges or feel they are not in a position to evaluate judicial performance.
- Elections discourage many well-qualified attorneys from seeking judicial office.
- Proponents feel that judges selected through this process will have more time to spend on the matters before them than judges who stand for election.
- In some states, the merit selection process results in a higher number of appointments of minority and female candidates.

**Costs**

- The arguments against merit selection are based on the importance of the right of citizens to vote and the role of elections as a means of educating the public, which critics say is less likely to happen with merit selection.
- Opponents of merit selection also point out that politics are still present in the nominating process—but difficult for the public to monitor. Nominating commissioners may represent special interests and may not be drawn from all segments of society.
- They also point out that judges are rarely removed when they stand for retention. As a result, merit selection often results in life tenure for judges.

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STUDENT 3 Handout

# Judicial Selection Methods—An Overview

**Background**

When most states were created, they had a system of selecting judges that resembled that recommended in Federalist #78 by Alexander Hamilton. In his writing, Hamilton argued that judges should have independence from the approval of the executive, legislature, and the people so they can fulfill the judicial attributes outlined in the Constitution. To ensure the independence of the courts that Hamilton recommended, the U.S. Constitution provides that federal judges are appointed to life tenure "during good behavior." The selection process involves appointment by the President and approval by Congress with no provision for reappointment. While Hamilton's ideas about judicial selection still guide the selection process in the federal courts, the states developed a wide range of approaches.

In the 19th century, the influence of Jacksonian Democracy resulted in a move toward elections as a means of holding judges more accountable to the public will. A century later, legal scholars in the Progressive Reform Movement proposed a merit selection process for the purpose of removing judges from the pressures of running for political office. These changes were implemented first in Missouri and in several other states in the 1950s and 1960s.

The map and chart provides basic data about alternative methods of judicial selection. To find detailed information about state courts visit <vls.law.vill.edu/Locator/statecourt>.

**Summary of Initial Judicial Selection Methods**
Appellate and General Jurisdiction Courts

| Merit Selection through Nominating Commission* | Gubernatorial (G) or Legislative (L) Appointment without Nominating Commission | Partisan Election | Nonpartisan Election | Combined Merit Selection and Other Methods |
|---|---|---|---|---|
| Alaska | California (G) | Alabama | Arkansas | Arizona |
| Colorado | Maine (G) | Illinois | Georgia | Florida |
| Connecticut | New Jersey (G) | Louisiana | Idaho | Indiana |
| Delaware | Virginia (L) | Michigan | Kentucky | Kansas |
| District of Columbia | S. Carolina (L) | N. Carolina | Minnesota | Missouri |
| Hawaii | | Ohio | Mississippi | New York |
| Iowa | | Pennsylvania | Montana | Oklahoma |
| Maryland | | Texas | Nevada | S. Dakota |
| Massachusetts | | W Virginia | N. Dakota | Tennessee |
| Nebraska | | | Oregon | |
| New Hampshire | | | Washington | |
| New Mexico | | | Wisconsin | |
| Rhode Island | | | | |
| Utah | | | | |
| Vermont | | | | |
| Wyoming | | | | |

*The following nine states use merit plans only to fill midterm vacancies on some or all levels of court: Alabama, Georgia, Idaho, Kentucky, Minnesota, Montana, Nevada, North Dakota, and Wisconsin.

*Source: American Judicature Society*

**Summary of Initial Judicial Selection Methods**
Appellate and General Jurisdiction Courts

Look at the map and chart. What can you say about the methods states use to select judges? Look at the chart. Find your state in the list. What generalizations can you determine from the chart?



 BEST COPY AVAILABLE 

## PROGRAMS AT A GLANCE — School Sponsored Programs

**Jamaica High School • Sullivan & Cromwell/White & Case**
Jamaica, NY

TITLE Law Day Forum 2002

CONTACT Ellen Frank, Law Coordinator
efrankbayer@hotmail.com

BUDGET $250

The activity promoted student awareness of the importance of law. In the morning, three speakers from the Queens County District Attorney's Office addressed the students on their civil rights. In the afternoon, three people from Legal Aid spoke with the students about when people are entitled to an attorney.

Between the speakers, seven attorneys from the program's co-sponsor law firms visited classes and worked with the students on various lessons supporting the Law Day theme. A team of students from New York University's clinical law program led classes in role-playing different scenarios where a student may be stopped by a police officer.

The program reached 42 classes and approximately 1,200 students. This is the second year for the program, which has grown from 15 teachers and 11 speakers participating to 25 teachers and 24 speakers.

**Putting on Mock Trials**
*Newly revised, updated, and expanded booklet provides all you need to know about putting on your own trial.*
PC# 235-0206
See page 66.

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## Grade 7–12 Strategy: Independent Courts: How Important Are They?

**Title** What Is Judicial Independence?

**Time Required** 1–2 class periods

**Overview** This activity asks students to explore what judicial independence is and why it is important. Students are given a quick overview of the history of judicial independence here and abroad, then are asked to look at some scenarios to determine which actions may violate judicial independence. A final exercise asks students to relate judicial independence to the process of becoming a judge in three jurisdictions.

### Presentation

#### Introduction

Begin the class by introducing yourself to the students. As you do so, remember when you were this age and what you might like to know about other people.

Be sure to provide a brief explanation of why you are in the classroom on this particular day. If you have an official Law Day poster, hang it where all can see it. You might consider saying the following, in your own words.

> *Today, people throughout the United States are celebrating Law Day. I believe it is very special because I work in the legal field and am very proud of the work I do. But, more importantly, it is special because it allows us to stop and think about our country, the United States of America, and the freedoms we all share. It is also special because this day provides us with an opportunity to talk about the laws that protect us and provide us these very special freedoms.*

Establish a focus for the activity by asking the students to describe what they think of when they hear the words "independent courts" or "judicial independence." Allow for several responses. Explain that today you will be discussing this concept with them and asking them how it works in practice.

#### Activity

1. Begin by noting how rare judicial independence is in the most parts of the world.

About 15 years ago, judges in the Soviet Union often used a concept called "telephone justice" to render their decisions: They would call the Communist Party leadership and ask, "What does the party want in this case?" and then rule accordingly. Not surprisingly, judges, courts, and the law in general were held in very low regard in the Soviet Union.

In the not too distant past, Russian presidents often declared rulings by the highest court null and void because they did not like them. In South Africa, until its new Constitution took effect in 1994, the all-white, undemocratic Parliament had final say on the constitutionality of laws, not the courts. In Latin America, people often criticize their governments for having laws on their books that are enforced by neither the courts nor the police.

2. Define judicial independence.

Judicial independence in a democracy means acting impartially, making just decisions, and being perceived to act without the undue influence of outside forces. Professor John Ferejohn of Stanford University maintains that an independent judiciary upholds three critical values for a democratic society:

(a) **The rule of law**: ensuring that every individual, of whatever social standing, is subject to the same protections and restrictions under the law and that powerful people do not manipulate legal proceedings;

#### Objectives

Students will

- Determine why judicial independence is important by understanding its place in our history and how unusual it is in other parts of the world.
- Determine what constitutes judicial independence by looking at some practices that may violate it.
- Understand the link between methods of selecting judges and judicial independence by examining the process of becoming a judge in three jurisdictions.

#### Preparation

- Be sure to talk with the teacher in advance about this activity. Provide the teacher with a copy of the activity.
- This activity is enhanced if delivered by a judge, lawyer, or member of the judicial district's nomination committee or judicial performance committee. Otherwise, the individual should serve as a resource person for the activity.

#### Materials

Sufficient copies of the following handouts for class distribution.

- Handout 1: Independent Courts in the U.S. (page 33)
- Handout 2: Do These Practices Violate Judicial Independence? (page 33)
- Handout 3: Judicial Selection Methods—An Overview (page 29)
- Handout 4: Teresa Wants to Be a Judge (page 34)

(b) **Constitutional integrity**: preserving the ability of the Constitution to protect our freedoms and order our society by ensuring that one societal institution has the power to overturn laws that violate the Constitution; and

(c) **Enforcement of the law**: guaranteeing that legitimate laws will actually be enforced, not simply stated as theory.

Independent courts are an integral part of the U.S. system of government. Under the Constitution's system of checks and balances, one role of the courts is to restrain the legislative and the executive branches by ruling actions void when they violate the Constitution. This power was first exercised in 1803 in the case of *Marbury v. Madison*. (See insert in this guide for more on this case).

3. What is judicial independence in practice?

Distribute the handout titled "Independent Courts in the U.S." and give students a few minutes to read it. Then divide the class into several small groups and distribute Handout 2, the judicial independence activity. Ask each group to consider whether each "practice" violates judicial independence. Give them five to ten minutes to discuss the items and decide, by majority vote, whether or not each of these practices violates principles of judicial independence.

Then ask one group to report on its findings in situation one. Ask the other groups whether they concur. Have students explain how they reached the decision they did. Why did they think the situation violated or did not violate judicial independence? Have another group report on its findings in situation two, and repeat the process until all situations have been fully discussed.

The discussion should clarify what judicial independence is, why it is important, and what does (or does not) violate it.

4. Conclude by looking at the selection of judges and how it impacts judicial independence.

Tell students that the methods by which judges are selected have a very strong impact on the ability of judges to be independent. The federal method of selecting judges is very conducive to judicial independence. The President nominates all federal judges for a life term, and they are confirmed or rejected by a vote of the U.S. Senate. They can only be removed by impeachment, which has happened very rarely in American history.

Though the federal process gets more attention in the media, most jurists in the United States are state judges. There are more than 30,000 judges in the 50 states, 87 percent of whom—in 39 states—must face voters regularly in some type of popular election. The election structure differs among the states, though most judges are elected in nonpartisan contests, meaning that they do not run under the banner of one political party.

Distribute to students the handouts "Teresa Wants to Be a Judge" and "Judicial Selection Methods—An Overview" (p. 29). Ask students to read them, then pose the questions about where Teresa should seek to become a judge. This should help students see the very different methods of judicial selection. The third question asks students to link these methods to the degree of independence Teresa would have under each system.

If there is time, you might go on to discuss some of the issues with judicial selection methods. Note the problems with even nonpartisan elections. Organizations such as the American Bar Association have criticized elections, saying they undermine the independence of judges. Recently, a report by the Committee for Economic Development (CED) concluded that "elective systems tend to undermine the independence and impartiality of the judiciary" and called on leaders to "take actions to initiate reforms that would eliminate judicial selection by election."

If the election system is to be changed, what is the alternative? Many believe that the nomination and confirmation system laid out in Article III of the Constitution is the best method of safeguarding judicial independence, but only a few states have moved from straight elections to a gubernatorial or legislative nomination process. Only one, Rhode Island, has gone to the federal system of lifetime appointments.

The most popular alternative to straight elections is known as the "Missouri Plan." Under the Missouri Plan, a nominating commission comprising lawyers and laypersons, often chaired by a respected judge, would propose the names of potential judges. The commission in some cases has the power to name the judges outright; in others, it sends a name or names to the governor of the state, who makes the final selection. The system, often referred to as "merit selection," is supported by many who believe it results in a much higher caliber of judge than elections or straight appointments by a governor, who may appoint political cronies or campaign contributors.

Another aspect of the Missouri Plan that has been widely adopted is that of "retention elections." Generally this means that the name of a judge who was initially appointed through a nominating commission or another type of merit selection is placed on the ballot. The voters then vote "Yes " or "No" to retain or not retain this judge for another term. The advantage of this system is that the judge does not have to run against another candidate. Yet the retention system does not eliminate all the dynamics of judicial elections—candidates still take positions and seek campaign contributions.

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This activity was written by Ed O'Brien, Executive Director of Street Law, Inc. It is adapted from a longer article that is posted on the Law Day website <www.lawday.org>.

STUDENT 1 Handout

## Independent Courts in the U.S.

We inherited our system of judicial independence from Great Britain. In the 1600s citizens spoke out against the dependence of judges on the monarchy. The king or queen could assign judges to the bench and then remove them summarily if they did not represent the sovereign's interests. These complaints resulted in the Bill of Rights of 1689, which provided English judges a measure of constitutional protection, including the promise that they could serve during "good behavior." This is a term later included in Article III in our own Constitution, which protects judges from being removed at the political whims of executive or legislative officeholders.

Though judges in Britain developed some independence, their counterparts in the American colonies remained essentially Crown officers, whose duty was to enforce British policies and law, leading to frequent conflicts with the colonists. This led Americans to embrace the idea of the jury trial, which took some power away from these not-so-independent judges. When independence came, the framers of the Constitution worked to create a third branch of government that was relatively independent of the executive and the legislative branches.

In Article III, Section I, the U.S. Constitution provides, "The Judges, both of the supreme and inferior Courts, shall hold Office during good Behaviour." Section 1 also states, "The Judges... shall at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office." These provisions ensure lifetime appointments for federal judges, making it difficult to remove them except through cumbersome impeachment proceedings. They also prevent Congress from lowering their salaries during their terms of office.

Those who criticize the life appointments of federal judges say that this system limits accountability. But the framers of the Constitution, in giving the power of the purse to Congress, provided for some oversight of the judiciary by the legislative branch. This oversight is frequently exercised through the Congressional budget process. The federal judiciary must submit a proposed budget each year to Congress, which frequently holds hearings to inquire into issues such as how the courts are using their money, how many cases they have heard in the past year, and how many judges are really needed.

STUDENT 2 Handout

## Do These Practices Violate Judicial Independence?

Judges are not in ivory towers. They are part of the community. Here are a series of ways the community interacts with their work. Which of these practices violate judicial independence? Should these practices be allowed or prohibited?

1. Judge Frank Toms has ruled that demonstrators must not come closer than 100 feet to women seeking counseling or abortion services at clinics. The local newspaper writes an editorial criticizing him, and people picket in front of his home.

2. At a party at the home of a friend, Margaret Warner, who is the head of a company, meets Judge Jones, who is presiding over a case in which executives of a large corporation are on trial for releasing false statements regarding the corporation's economic performance during the past year. Warner says to Jones, "I think it is very unfair the way the government is prosecuting corporate executives these days for things that are not their fault."

3. XYZ Electronics Corporation gave $10,000 to the campaign of Judge Sanchez when he was running for office two years ago. XYZ's biggest client is Johnson Television Co., which buys parts from XYZ. Johnson Television Co. comes before Judge Sanchez as a defendant in a lawsuit filed by some of its female employees for sexual harassment.

4. Certain state legislators are very upset by a recent written decision by the state Supreme Court's Chief Judge. They threaten to cut the budget of the Court next year.

5. The state Supreme Court does not like the decision of a trial court in the state that allowed vouchers to be used to pay for private and parochial schools. The state Supreme Court reverses the decision on the grounds that it violated the state constitution's clause calling for separation of state and church. Is this an abuse of judicial independence?

6. A judge has been known to have an alcohol problem and sometimes drinks at lunch and then presides over the court in the afternoon. His case is referred to a Commission on Judicial Discipline in the state.

7. The U.S. Supreme Court has held that burning the American flag, if performed as a political statement (e.g., to protest a war), is not a crime but an act protected by the freedom of speech clause in First Amendment. Members of Congress introduce a law that says the Court can no longer review flag-burning cases.

STUDENT Handout 4

## Teresa Wants to Be a Judge

Teresa Rodriguez has just graduated from law school in California, where she has lived for the past three years. She has done very well in law school, has been recognized by a number of law professors as a good student, has a number of law student friends who come from California, and has been actively working in opposition to Proposition 26, a statewide referendum to end affirmative action. Teresa has been offered a job as a public defender in California.

Teresa comes from Texas, where her family has lived for 30 years and where her father is an official in the local Democratic Party. She has worked on campaigns for family friends and others who have been elected to county offices such as county sheriff, judge, and county commissioner. Teresa has been offered a job in the States Attorney's Office prosecuting crime in her hometown in Texas.

Teresa has been offered a job with a law firm in Washington, D.C. This law firm is very well respected, and in the past many of its lawyers have been appointed judges in the local District of Columbia courts.

Looking at the handout entitled "Judicial Selection Methods—An Overview," answer the following:

1. Assume that someday Teresa wants to become a judge. What are the arguments for her choosing each of the three places to move to after law school? What are the reasons against moving to each?

2. If you were Teresa, where would you move and why? Consider the job offers, personal reasons, and the likelihood that she can become a judge in each place, taking into consideration its system of selecting judges.

3. One of Teresa's law school professors asks for her recommendation on the method of judicial selection that would ensure judicial independence and select the best judges. If you were Teresa, which method would you recommend and why?

## Website Resources for Law Day Planning

### Resources to Help You Be Successful

Now that lawyers, judges, and school people have agreed to participate in the Law Day celebration, the next question is, "What will we do? What can we do?" There are countless good models to borrow or build on. All over the country, hundreds of thousands of people are involved with myriad Law Day activities. Many exciting websites will help you this Law Day, and a number provide significant information for designing programs on courts and judicial independence. The list below is just a sampling.

### Law Day/Judicial Independence Websites

**The American Bar Association**

**<www.abanet.org/judind/resourcekit/home2.html>** This resource kit contains judicial independence materials from a variety of sources. Unless specifically stated, materials do not necessarily represent the official policy of the ABA.

**<www.manningproductions.com/ABA245/OMK/main.html>** An online media kit on "Justice for Sale." It gives you media releases, images, and audio on the issue of campaign contributions to judges.

**<www.abanet.org/justice>** The ABA's Office of Justice Initiatives is a clearinghouse for information about court improvement efforts of all kinds.

**<www.abanet.org/jd/judgesnetwork.html>** The ABA's Judicial Division has begun a "Judges Network" program to harness the power of successful judicial outreach efforts across the country. The Judges Network and its website offer the opportunity to make a difference in a community and to share best practices with a national audience.

**<www.abanet.org/barserv/stlobar.html>** The ABA's Bar Services Division has contact information that will help you involve your state or local bar association in Law Day activities of all kinds.

## Law Day/Judicial Independence Websites

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|---|---|
| **Justice at Stake** | **<www.justiceatstake.org>** A national partnership working for fair and impartial courts. |
| **The Constitution Project** | **<www.constitutionproject.org/newtoolbox/index.html>** A bipartisan nonprofit organization that seeks consensus on controversial legal and constitutional issues. Its Court Initiative conducts public education on judicial independence. |
| **Brennan Center for Justice** | **<www.brennancenter.org>** The Judicial Independence Project combats threats to the independence of the judiciary. |
| **The National Center for State Courts** | **<www.ncsconline.org>** The National Center has posted state-by-state information about efforts to bolster public trust and confidence in the justice system. |
| **America Judicature Society** | **<www.ajs.org>** An excellent site with a large section on judicial independence. |

### Youth Court Resources

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| **American Bar Association Division for Public Education** | **<www.abanet.org/publiced/youth>** The ABA Division for Public Education is a clearinghouse of information on youth courts. |
| | **<www.abanet.org/publiced/tab17.pdf>** The ABA Division for Public Education also has a Technical Assistance Bulletin that can be downloaded. |
| **Youth Court Center** | **<www.youthcourt.net>** The national Youth Court Center has an excellent website offering ideas on training volunteers and links to youth courts around the country. |

### Program Models

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| **American Bar Association Division for Public Education** | **<www.abanet.org/publiced/youth>** Provides a comprehensive website on law-related education with information about volunteer opportunities in education from kindergarten through high school, as well as links to state and national programs, publications, and resources. |
| | **<www.abanet.org/publiced/lre/main.html>** Provides a comprehensive list of state and national programs, many linked directly to helpful websites containing materials and projects you can use in reaching out to student groups. |

### Other Excellent National Law-Related Education Projects

| | |
|---|---|
| **Center for Civic Education** | **<www.civiced.org>** |
| **Constitutional Rights Foundation** | **<www.crf-usa.org>** |
| **The Constitutional Rights Foundation—Chicago** | **<www.crfc.org>** |
| **Street Law** | **<www.streetlaw.org>** |

### Special Law Day/Law Week Activities

There are plenty of exciting opportunities for Law Day.

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| **American Bar Association Division for Public Education** | **<www.lawday.org>** A great resource is the "sample programs" section that lists more than 100 models of good programs around the country. Also included are dozens of lessons at all grade levels and speech ideas/talking points on a wide range of topics. |

### Mentoring Opportunities

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|---|---|
| **America's Promise** | **<www.americaspromise.org>** and **<www.jobshadow.org>** Great resources for mentoring opportunities and educating about careers. |

## Dialogue on Freedom — A Glance at Law Day Programs

Lawyers and judges across the country participated in the ABA's Dialogue on Freedom program on and around Law Day 2002. Dialogue on Freedom was conceived by U.S. Supreme Court Associate Justice Anthony Kennedy to bring members of the bench and bar into high school classrooms to discuss American society and democratic values in the wake of the September 11 attacks.

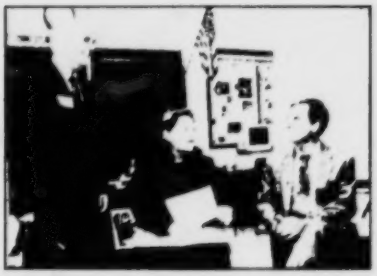
Law Day programs included several Dialogues led by ABA leaders. On May 6, ABA President Robert Hirshon joined Maine Supreme Court Justice Leigh Saufley and U.S. Representative Tom Allen for a Dialogue with 30 freshmen and juniors at Portland, ME, High School. President Hirshon, an alumnus of Portland High, also joined Justice Anthony Kennedy, U.S. Senator Edward Kennedy, and Boston Bar Association President Michael Keating in an April 29 Dialogue with 25 U.S. history students at the Boston Latin Academy.

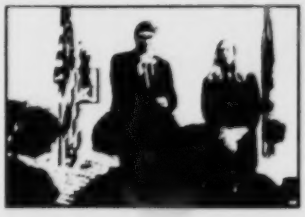
President-elect Alfred P. Carlton Jr. teamed with local attorney Debra Bechtel at North Carolina's Catawba County Public Library for a May 6 Dialogue with 34 high school students from seven area schools. They were joined by Judge Linda McGee of Hickory, North Carolina, an active member of the ABA and co-chair of the North Carolina Bar Association's "Lawyers in the Schools" program. In Detroit, President-elect nominee Dennis Archer and U.S. Senator Carl Levin led an April 29 Dialogue with 35 ninth-grade government students at Detroit's Thomas Cooley High School.

Finally, ABA Executive Director Robert Stein traveled to Minneapolis on May 2 for a Dialogue co-hosted by Chief Justice Kathleen Blatz of the Minnesota Supreme Court. Participating in the discussion was a group of 11th and 12th graders at Minneapolis's South High School who are in an English-language immersion program.

Interest in the program continues to be strong. This September, for example, more than 38,000 Utah high school students participated in a "Dialogue on Freedom Week" declared by Utah governor Michael O. Leavitt and sponsored by the Utah State Bar Association.

With its emphasis on bringing lawyers and judges into the classroom to make a meaningful contribution to education in their community, Dialogue on Freedom offers an excellent opportunity for Law Day program planners. For more information on the Dialogue program, visit the website at <www.dialogueonfreedom.org>.





**Mug/Pencil Combo**
*Make everyone happy with this combination of a Law Day pencil for every student and a mug for the teacher.*
PC# 317-0342

See page 59.

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*Commemorating the 200th Anniversary of*

# MARBURY v. MADISON

THE SUPREME COURT'S FIRST GREAT CASE

FEBRUARY 1803

ding Liberty
ing Justice

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DIVISION FOR PUBLIC EDUCATION

***MARBURY V. MADISON*** is perhaps the most important opinion in Supreme Court history. It secured the Court's power of judicial review—its ability to uphold or deny the constitutionality of congressional or executive actions—and established the judiciary as an independent, co-equal branch of the federal government.

### Political Turmoil

*Marbury v. Madison* was decided amidst political turmoil that directly threatened the judiciary. President John Adams and his Federalist party had been defeated by Thomas Jefferson and his Republicans in the 1800 elections. Between this defeat and Jefferson's March 4, 1801 inauguration, Adams and the Federalist-dominated Congress passed the controversial Judiciary Act of 1801 and additional legislation concerning the District of Columbia's judicial system. A key provision of the Judiciary Act created 16 new federal circuit judgeships, while the District of Columbia legislation authorized the President to appoint such number of justices of the peace as he deemed necessary for the District.

*John Adams* As second President of the United States, Adams appointed a number of "midnight judges" in the final days of his administration following his defeat by Thomas Jefferson in the 1800 elections. Political rivals, Adams and Jefferson died on the same day, July 4, 1826.

The Jeffersonian Republicans were infuriated when Adams, before he left office, nominated all 16 federal circuit court judges (labeled the "Midnight Judges") authorized by the new judiciary act. These nominees were promptly confirmed by the lame-duck, Federalist-controlled Senate. William Marbury was part of another wave of "midnight appointments"—one of 42 justices of the peace nominated and confirmed for service in the District of Columbia in the final days of Adams' term. Marbury's commission (the document authorizing him to take his office) was among a handful that were sealed but not delivered before Adams' term expired.

When Jefferson took office, he refused to acknowledge Adams' commissions for the District of Columbia justices of the peace. Then, in December 1801, James Madison, Jefferson's secretary of state, was directed by the Supreme Court to show cause why a writ of *mandamus* should not issue from the Court ordering Madison to deliver the commission to William Marbury. The "show cause" order signaled that the Supreme Court was preparing to intervene in the controversy surrounding Adams' various "midnight appointments." Many commentators have identified this order as the event that propelled the Republicans to revoke the 1801 Judiciary Act and eliminate the 16 federal judgeships it had created.

The Republican Congress then passed the Judiciary Act of 1802, which among other provisions established one annual Supreme Court term beginning on the first Monday in February. The practical effect of this provision was that both Supreme Court terms scheduled for 1802, one in June and one in December, were cancelled, putting the Supreme Court out of action for the year and delaying arguments on Marbury's case. As arguments on the Marbury case approached in 1803, the House of Representatives began impeachment proceedings against a federal judge in New Hampshire, demonstrating its willingness to pursue impeachment of federal judges.

*Thomas Jefferson* Adams' successor as President, Thomas Jefferson refused to acknowledge several of Adams' "midnight" judicial appointments. Jefferson and John Marshall were cousins but were in separate political camps.

The Supreme Court thus faced an administration that had declared Adams' appointment of the District of Columbia justices of the peace invalid, and that would likely refuse to recognize a Court order to deliver Marbury's commission. It also faced a Congress demonstrably hostile to a Federalist-dominated judiciary. The Supreme Court was in an apparent bind. If it ruled in Marbury's favor, it could demonstrate its weakness by issuing an order that the executive branch would ignore. If it denied Marbury's claim, it would risk the appearance of submission to Congress's threatened power.

*James Madison* Later the fourth President of the United States, Madison served as Jefferson's secretary of state and was responsible for delivering judicial commissions. William Marbury asked the Supreme Court to compel Madison to deliver his commission, signed by President Adams.

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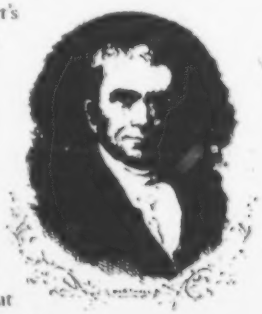
*William Marbury* One of the "midnight judges" appointed in the last days of the Adams administration, William Marbury was among a handful of appointees whose commissions were signed and sealed but not delivered before Adams left office.

## Power Surrendered, Power Gained

Chief Justice John Marshall authored the *Marbury v. Madison* opinion. As the opinion first affirms Marbury's legal right to the office and then asserts that refusal to deliver his commission clearly violated that right, Marshall seems to be leading the Court toward a direct confrontation with the Jefferson administration. It is only in the final pages of the opinion, where Marshall declares that Congress violated the Constitution in granting the Supreme Court power to issue the writ sought by Marbury, that this confrontation is avoided. The genius of the opinion is that it manages to recognize the legitimacy of Marbury's claim, chastise Jefferson's administration for refusing to deliver it, and claim the right to define constitutional limits on Congress's power, while denying the Supreme Court's power to give Marbury the remedy he seeks.

Looking at the decision through the lens of the volatile political climate of the time, Marshall managed to confound his opponents by limiting the Court's power in the Marbury matter while asserting a much more important and far-reaching power—judicial review. *Marbury v. Madison* struck down the section of the 1789 Judiciary Act that had given the Supreme Court power to issue writs of *mandamus*, court orders compelling performance of specific actions (delivery of Marbury's commission, for example). The Court held that this legislative grant of power violated the Constitution's limited grant of original jurisdiction to the Court in Article III, Section 2. As a result, the Supreme Court lacked jurisdiction to provide Marbury the remedy he sought for what the Court acknowledged as his violated right to his judicial commission.



Although *Marbury v. Madison* limited the Court's power in one narrow respect, it claimed for the Court the much broader power of judicial review. The Constitution, Marshall declared, was the product of the people's exercise of their original right to establish the principles for their government. This exercise represented a "very great exertion," one that could not and should not be frequently repeated, and established fundamental principles of supreme authority. The judiciary's duty is to say what the law is; thus courts are to decide which is the governing law if two laws conflict. And because the Constitution is superior to any ordinary legislative act, "the Constitution, and not such ordinary act, must govern the case to which they both apply."

Marshall was careful to acknowledge the legislature's and executive's rights to interpret the Constitution within their own spheres of power. His assertion that "it is emphatically the province . . . of the judicial department to say what the law is" is one of the most frequently quoted lines from the *Marbury* opinion. But Marshall also notes that "the province of the court is, solely, to decide on the rights of individuals, not to inquire how the executive, or executive officers, perform duties in which they have a discretion." With respect to Congress, the *Marbury* opinion has less to say, but subsequent decisions by the Marshall Court demonstrated its willingness to give broad deference to Congress's ability to interpret and apply the Constitution within its sphere of power.

For the remainder of Chief Justice Marshall's tenure of more than thirty years, the Court struck down no other acts of Congress. The power of judicial review did not, however, lay dormant. In a series of decisions, the Court asserted its power to review the decisions of state supreme courts and the actions of state legislatures when they touched upon issues involving the Constitution or federal law. The supremacy of the federal government over the states, in other words, became the Marshall Court's focus.

*John Marshall* The "Great Chief Justice," John Marshall wrote the opinion in *Marbury v. Madison*. As John Adams' secretary of state, Marshall had also been responsible for sealing and delivering William Marbury's judicial commission.

## *Marbury*'s Legacy

The power of judicial review established by *Marbury* has enabled the Court to effect revolutionary change in our understanding of constitutional provisions. This power has, not unexpectedly, drawn both criticism and praise over the Court's history. But it has never been a power completely beyond the control of the other branches of government. From the President's power to nominate and the Senate's power to confirm Supreme Court justices to the occasional "great exertions" of constitutional amendment, the Court remains firmly embedded within our Constitution's system of checks and balances.

At the same time, judicial review has ensured that the Supreme Court's justices, once confirmed, have sufficient power to exert their independence from the political branches and enforce constitutional limits on their powers. The Court's supremacy in constitutional interpretation rests in part on popular respect and esteem for the Court's opinions. That such supremacy is widely acknowledged today is indicative of the care with which the Court has generally wielded its power of judicial review, a tradition begun by the "Great Chief Justice," John Marshall.

# BEYOND *MARBURY*: A HISTORY OF JUDICIAL REVIEW

## *Dred Scott v. Sandford*

When the Supreme Court next used its power of judicial review to strike down an act of Congress, it needed all the good will the Marshall Court had accumulated. The case was *Scott v. Sandford*, commonly known as the *Dred Scott* decision, perhaps the most reviled opinion in Supreme Court history.

Dred Scott, a slave living in Missouri, sued for his freedom in a Missouri state court based on a four-year period he had spent living with his master in the free state of Illinois and territory in present-day Minnesota that had been declared free by Congress in the 1820 Missouri Compromise. The trial court granted his freedom, but the Missouri Supreme Court overturned its decision. In 1857, when the case reached the U.S. Supreme Court, a 7-2 majority ruled that it had no jurisdiction over the case because blacks were not citizens of the United States, as defined by the Constitution, with a right to sue in the federal courts. The Court then went on to conclude that "the right of property in a slave is distinctly and expressly affirmed in the Constitution" and that nothing in the Constitution gave Congress greater power over slave property than other types of property. Accordingly, the opinion declared, "the act of Congress which prohibited a citizen from holding and owning [slave] property . . . in the territory of the United States . . . is not warranted by the Constitution, and is therefore void." The constitutionality of the Missouri Compromise was denied along with Dred Scott's freedom.

The Court's decision placed significant constraints upon Congress's ability to work a compromise between the free and slave states, and it is frequently cited as a turning point in American history, setting the nation firmly on course toward the Civil War. It was ultimately rendered moot by the Thirteenth and Fourteenth Amendments to the Constitution, which abolished slavery in the United States and made all persons born or naturalized in the United States citizens of the United States and of the state in which they reside.

*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.*

**The Fourteenth Amendment (1868)**

## The *Lochner* Era

The Fourteenth Amendment's language provided the grounds from which the Supreme Court launched the *Lochner* era, the first period in its history defined largely by the Court's exercise of judicial review.

The amendment was initially interpreted solely in terms of the protections it guaranteed to former slaves. But in the 1870s, a group of lawsuits known as the *Slaughterhouse Cases* argued for a more expansive interpretation. The suits challenged that a state-granted monopoly to a centralized slaughterhouse company, justified by the need to oversee potentially unsanitary practices, infringed upon a right to labor possessed by independent butchers and included within the privileges of citizenship protected by the Fourteenth Amendment. A five-member majority of the Court disagreed, but the seeds for the more expansive reading were sown in Justice Field's dissent, which argued that the butchers' right to labor was part of the "privileges and immunities" enjoyed by United States citizens.

The *Slaughterhouse Cases* also identified the battleground upon which *Lochner*-era conflicts between the Court and legislators would be fought. On the one hand was the legislative prerogative to enact regulations protecting citizens' health, safety, and morals, known at the state level as the "police powers." On the other hand were "privileges and immunities" of United States citizens, as well as the "life, liberty, or property" that the Fourteenth Amendment protected against state abridgement "without due process of law." After the *Slaughterhouse Cases*, the "due process" clause emerged as the source for "fundamental liberties"— including the liberties to labor and to contract—that the Court found underlying the language of the Constitution and the Fourteenth Amendment.

In *Lochner v. New York*, decided in 1905, a majority of the Court used the new theory of "substantive due process" to strike down a New York state law regulating the weekly maximum number of hours bakers could work as an improper interference with liberty of contract. Many critics charged that the *Lochner* decision usurped the legislature's authority, striking down legislation that did not clearly violate the Constitution—an early example of "judicial activism."

The *Lochner* era ended in 1937. Conflicts between the Court and the Roosevelt administration over the constitutionality of "New Deal" legislation provoked a showdown when Roosevelt proposed a "court-packing" scheme. Unwilling to pursue the lengthy and uncertain process of constitutional amendments to overrule the Court, Roosevelt sought Congress's support in expanding the Court's size, thus ensuring a favorable majority of justices. The scheme ultimately failed—one of Roosevelt's few political disappointments—amid public outcry over the scheme's interference with the Court's independence. A crucial swing vote nonetheless provided a majority of justices favorable to New Deal reforms (the "switch in time that saved nine"). And within a few years, the retirement or death of several justices gave Roosevelt the opportunity he had sought to appoint new justices in a far less controversial manner.

## *Brown v. Board of Education* and the Civil Rights Era

The end of the *Lochner* era marked a shift in the Court's use of judicial review, which followed two new paths in the post-World War II years. The first was the protection of minority rights, based upon a broad reinterpretation of the Fourteenth Amendment's guarantee of equal protection under the law. Since its 1896 decision in *Plessy v. Ferguson*, the Supreme Court had upheld the doctrine of "separate but equal," which enabled states to establish racially segregated public facilities and schools through a body of laws known as "Jim Crow."

In 1954, the Court's decision in *Brown v. Board of Education* effectively overturned *Plessy v. Ferguson* by holding that, in the field of public education, "separate but equal" had no place. Regardless of the supposed "equality" of physical facilities and other tangible factors between segregated schools, the *Brown* court unanimously affirmed that "intangible" factors, including the feelings of inferiority segregated schools inevitably bred, made "separate educational facilities . . . inherently unequal." State "Jim Crow" laws mandating segregated schools were thus declared unconstitutional.

The Court's second post-war path has proved more controversial. This path has identified a constitutional "right to privacy" and led to the Court's 1973 *Roe v. Wade* decision that struck down state legislation prohibiting abortion. The *Roe* decision held that the Fourteenth Amendment's due process clause protects an implicit right to privacy that must be balanced with a state's legitimate interest in protecting potential human life. The *Roe* decision struck that balance at the point of the fetus's "viability"—its capacity to have meaningful life outside of the mother's womb. Not until viability, the Court held, does the state's interest in the potentiality of life become sufficiently compelling to override the right to privacy. Some commentators see in the right to privacy a modern-day equivalent of the "substantive due process" rights defined by the *Lochner*-era Court, similarly lacking an explicit foundation in the Constitution's text. Yet few today would argue that, absent a constitutional amendment, either the Congress or the executive branch has the power to ignore the Court's holdings within its own sphere of power.

Collection, The Supreme Court Historical Society
Photographed by Robin R. Reid, R. Reid Photography

## Federalism and the Rehnquist Court

A majority of the current Supreme Court justices have opened a new path of judicial review in the areas of federalism and states' rights. Congress has for many years tied much of its legislation to a broad interpretation of its constitutional right to regulate interstate commerce. In 1995, Chief Justice William Rehnquist authored a majority opinion in *United States v. Lopez* that announced the Supreme Court's intention to define an outer limit on Congress's legislative authority under the Commerce Clause.

*Lopez* struck down the Gun-Free School Zones Act of 1990 on the grounds that the act did not regulate a commercial activity and did not require that possession of a firearm be connected to interstate commerce. Five years later, in *United States v. Morrison*, the Court affirmed a lower court's decision striking down the federal Violence Against Women Act.

In both *Lopez* and *Morrison*, the Court rejected what it saw as a weak causal chain between essentially noneconomic violent conduct and the effect of that conduct on interstate commerce. Such reasoning, the *Morrison* majority said, would essentially dissolve the boundaries between the national and the local, eroding the police powers that the Constitution vests in the states.

# Grades 4-6 Strategy • Introducing Students to Early American Courts

**Title:** Here Comes the Judge!
**Time:** 1 class period

### Objectives

Students will be

- Introduced to the concept of circuit court judges.
- Made aware of the of the term *circuit court rider*.

### Preparation

- Provide the teacher with an advance copy of the activity. Because the activity involves a Q&A format, the teacher's support is important.
- The teacher's assistance is essential in assigning students to teams to ensure successful team relationships.
- There are no additional materials needed for this presentation.

### Introduction

Establish a focus by asking the students if they have ever heard the term *circuit rider* or *circuit judge rider*? It is doubtful students will know the term, but allow them to guess at a few options.

Explain that today the term *circuit judge* or *circuit court* refers to a legal geographical district or area. Remind the students that in the early days of our country, transportation between cities was not always easy. Therefore, judges would get on their horses and "ride the circuit" (a regular route), hearing cases in one town and then moving to the next town.

### Activity

Explain that today you hope to have a fun question-and-answer time that will teach about the role of the circuit judge rider in our country. With the assistance of the teacher, have the students move their desks together to allow two students to work as a team. Remind the students to raise their hands if they know the answer. You may want to have a longer discussion on any of the questions.

1. What does the term *circuit* mean?
   *A defined geographical area; a definite path or route to follow*
2. What does the term *judge* mean?
   *A public official whose responsibility it is to hear legal arguments and pass judgment*
3. What does the term *rider* mean?
   *A person who travels by horseback or vehicle*
4. Let's put the terms together. What does the term *circuit judge rider* mean?
   *A judge who traveled on a regular schedule and regular route, first by horseback and then later by vehicle, from town to town setting up court, hearing cases, and passing judgment*
5. When the judges would ride the circuit, did they go in any direction they pleased?
   *No, there was very specific route the judges would follow.*
6. Why did the judges need to "ride the circuit"?
   - *The number of judges in the United States was not sufficient to cover the entire country.*
   - *A district or town usually could not afford to pay for a full-time judge.*
   - *The distance between towns and communities was often great. People could not afford to take off from their work or jobs to travel to a town where a judge would be.*
   - *Many people felt it was essential to take the government and its interpretation of the law to the people, "linking" the people with the government.*
7. When the judges held court in the various towns, where would they hold court?
   *Many towns did not have an official courthouse. Therefore, they would hold court in community meeting houses, schools, etc.*
8. Do you think this job was a good job? Why and why not? (Have one team answer the why and another the why-not segments.)
   ***Good Job:** enjoyed traveling, meeting people, making the connection between the law and the people*
   ***Bad Job:** away from families for long periods of times, sometimes dangerous traveling conditions, lonely traveling alone*
9. When do you think the practice or custom or "riding the circuit" disappeared?
   *Not until the 1890s*
10. Would you like to be a circuit judge rider? (Answers will vary.)

### Closure

Remind the students of the following facts.

- All citizens enjoy freedoms because the United States has laws to protect their rights.
- In the early days of our country, when it was difficult for people to get to the courts to have their rights protected, the law was taken to the people.

Briefly link the lesson to the principle of the rule of law, the case of *Marbury v. Madison*, and judicial review.

- These lone judges, far from home, represented the rule of law as they rode the circuit.
- What does *rule of law* mean? It means that people will obey the decisions of the court, even when the "court" is one judge holding court in a schoolroom. The court does not need an army to enforce its orders. When a court decides a case, its order will be obeyed by the people in the case even if they don't like the decision.
- That is true even if, as in the great early case of *Marbury v. Madison*, decided 200 years ago, the decision overturns a law passed by Congress, because it conflicts with a higher law, the Constitution.
- Why did judges have that authority then? Why do judges have it now? Because they represent the rule of law, the basis of our democracy.

# Grades 7-12 Strategy • The Facts Behind the Case

**Title** Does Anyone Know Where Marbury and Madison Are? (The Story behind *Marbury v. Madison*)
**Time** 1 class period

### Overview
This activity can be the basis for a lively class discussion. It could be led by a lawyer or judge. The format allows students to understand the events leading to *Marbury v. Madison* and the establishment of the concept of judicial review.

### Preparation
- Provide the teacher with an advance copy of the activity.
- Review the background pages on *Marbury v. Madison* earlier in this publication.
- Practice the story below so you can "tell" the content in an informal fashion.
- Make sure there is a flip chart or something similar for your use with the presentation.

### Introduction
Set the stage for the activity by asking the students if they feel that laws should be overturned and under what conditions.

Use the flip chart to list the following names: John Adams, Thomas Jefferson, James Madison, William Marbury, and John Marshall.

Encourage the students to listen carefully as you tell them an amazing story abut a political squabble that became one of the most important American legal cases or all time. Caution them to listen for an interesting turn of events at the end of the story. As you tell the story, be sure to point to the list and refer to the individuals by name to maintain continuity in the story line. Be sure to build interest and excitement as you proceed.

After completing the story, use the following questions to generate a discussion.
1. Do you agree that Marbury should have received his commission? Why or why not?
2. What is meant by the term *judicial review*? Why is it important? Do you agree with it? If not, what would you do about a law that violates the Constitution?
3. How does the doctrine of judicial review add to the system of checks and balances set up in the Constitution?

### Closure
Close the activity by asking the students if they see evidence of *Marbury v. Madison* existing today. Their response should reflect the concepts of judicial review, checks and balances, and power of the Supreme Court.

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## This Is the Way It Happened
## (The story behind *Marbury v. Madison*)

- The time was 1800.
- **John Adams** (a Federalist) lost his presidential re-election bid to Thomas Jefferson (a Republican).
- **Jefferson** was to be inaugurated on March 4, 1801.
- **Adams** was not happy over his defeat.
- Before leaving office, **Adams** worked with his political supporters in Congress to keep control of the federal courts and as many other offices as possible.
- How do you think he did this?
- At the "eleventh hour," **Adams** appointed and the Senate confirmed all 16 federal circuit court judges provided for in the Judiciary Act of 1801. Their objective was to fill all judicial positions with Federalist friends and maintain control over the judiciary.
- On his last night in office, **Adams** was busily signing off on judicial appointments.
- **William Marbury** was one of the 42 justices of the peace appointed to the District of Columbia.
- However, **Marbury's** appointment was among a few that were signed and sealed but not delivered before **Adams'** term came to an end.
- **Jefferson** took office; he did not recognize **Adams'** appointment of **Marbury** because it was never delivered.
- **Marbury** waited two years and still did not receive his appointment.
- So, **Marbury** appealed to the Supreme Court for a court order demanding his appointment be delivered to him.
- The basis for **Marbury's** appeal was that the Judiciary Act of 1789 gave the Supreme Court the power to order Secretary of State **Madison** to give **Marbury** the promised appointment.
- The case went to the Supreme Court in February 1803.
- **John Marshall** was chief justice.
- Chief Justice **Marshall** declared that **Marbury** had a right to his appointment as a justice of the peace.
- But **Marshall** began to study the Federal Judiciary Act of 1789 and reported that there is nothing the Supreme Court can do about enforcing **Marbury's** appointment.
- **Marshall** found that the Judiciary Act of 1789 was in conflict with the Constitution. He found that the Judiciary Act gave the Supreme Court powers not granted by the Constitution. **Marshall** declared that the section of the Judiciary Act of 1789 that gave the Supreme Court the right to issue orders (such as in **Marbury's** case) was unconstitutional.
- With this action, **Marbury** no longer had a basis for his appeal.
- **Marshall** concluded there was no way for **Marbury** to get his appointment from **Madison**.
- As a result of this action, the Supreme Court has had the final say on laws of Congress. Its power to overrule acts of Congress because they are unconstitutional became know as judicial review.

# A Community Forum

Law Day and especially the celebration of *Marbury v. Madison* is an excellent time to bring together citizens in a community to discuss (and perhaps debate) probably the most significant legal case in our country's history. Look for opportunities to hold events in places such as community centers, senior centers, and other public gathering spots. Print and distribute some thought provoking flyers to encourage people to attend. Consider using phrases such as

**Do You Believe Courts Should Have the Right to Overturn Existing Laws?**
**You don't want to miss this lively discussion.**

## Session Format Note

- The purpose of this community forum is to encourage a lively interactive discussion. If you sense the audience would not be intimidated, have the individuals get up and go to a designated section of the room to physically illustrate their answers ("those who agree with that point, please go to the left side of the room; those who don't, please go the right side"). This would allow you to interact with the members of the various groups to solicit deeper feelings on the issues. Remind the participants that at any time during the discussion, if they change their answer or position, they are free to walk to the other group.
- To avoid confusion on how judges are selected in various states, keep this discussion at the federal level.

After the welcome, if you're doing this activity on Law Day, provide a brief background on its purpose. Be sure to make note that we are also celebrating the 200th anniversary of *Marbury v. Madison* (1803).

At the beginning of the session, tell the participants you want them to take a self-test, keeping their answers to themselves. Ask the following questions?

- Do you believe the Constitution is the "supreme law of the land"?
- Do you believe the Supreme Court has the responsibility to protect and defend the Constitution?

Use the background information on *Marbury v. Madison* to provide a brief overview of the legal case and to introduce the concept of judicial review. You may want to consider using the story included in the grades 7–12 activity as the review. Generate informal discussion by using the following questions.

- Do you agree courts should have the power of judicial review? Why or why not? (Somewhere in the discussion, the concept of checks and balances should be a focal point.)
- You elected public officials to represent you in Congress. It is their responsibility to make the laws to ensure a strong democracy. So, do you believe judges (who are sometimes appointed to their position) should have the power to overturn the efforts of your elected officials?

Distribute the following excerpt from Alexander Hamilton's *Federalist Paper* No. 78, in which Hamilton discussed his vision for the judiciary.

> Whoever attentively considers the different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution.... The judiciary ... has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment....

Ask the participants if they support Hamilton's vision. Ask if they truly believe the judiciary merely exercises judgment. Why or why not?

Brainstorm the characteristics of an ideal judge. Asking the group to keep in mind the power of judicial review, have the group brainstorm the types of issues and questions that should (or should not) be covered in federal judicial confirmation hearings and explain why such questions would be important to ask.

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# *Marbury v. Madison* GOES WIRED

The following websites are recommended for activities involving *Marbury v. Madison*.

**www.landmarkcases.org/marbury/home.html**
"*Marbury v. Madison* (1803)." Landmark Supreme Court Cases, a project of Street Law and the Supreme Court Historical Society. Contains a wealth of resources and activities designed to help educators teach the case.

**www.jmu.edu/madison/marbury/**
"*Marbury v. Madison* (1803)." The James Madison Center at James Madison University. Includes general information and commentary about the case and its major players.

**usinfo.state.gov/usa/infousa/facts/democrac/demo.htm**
"Basic Readings in U.S. Democracy." U.S. Department of State International Information Programs. See "Part II: Creating a Government" for an article on *Marbury v. Madison* and the full text of the Court's decision.

**caselaw.lp.findlaw.com/data/constitution/article03/13.html**
"Judicial Review." FindLaw. Provides a multifaceted look at judicial review, citing relevant Supreme Court cases and scholarly debates.

**air.fjc.gov/history/legislation_frm.html**
"Landmark Judicial Legislation." The Federal Judicial Center. Provides full text of the Judiciary Acts of 1789 (which established the federal court system), of 1801 (which reorganized the federal judiciary and established circuit judgeships), and of 1802 (which abolished the circuit judgeships and reorganized the federal courts).

**supreme.lp.findlaw.com/supreme_court/landmark/marbury.html**
*Marbury v. Madison*, 5 U.S. 137 (1803) Through this landmark case, the Supreme Court asserted its power of judicial review.

# Reaching All Areas of the Community

This year's Law Day theme of "Independent Courts Protect Our Liberties" enables you to reach a wide variety of people in the community. Judicial independence is a major goal of bar associations and courts, of course, but it is also essential to the rule of law, and thus is a deeply held value of all Americans.

## Using the Courts to Reach into the Community

With a theme such as "Independent Courts Protect Our Liberties," courts will be key players in building community awareness for this year's celebration. Make sure the courts are represented on your planning committee. The public information officer or the court's education specialist would be a good choice.

Can a court awareness program be successful as a Law Day activity?

The Minnesota Judicial Center, home of the state's judicial branch and appellate courts, hosted 1,500 people during its first-ever open house. Find out more about this event by checking out "Programs at a Glance—Court reaches Out to Community" on page 39.

The Denton County, Texas, Justice of the Peace hosted an Open House on the weekend and had approximately 300 visitors. The informal open house provided a setting where escorted citizens had "free range" of the courthouse and an opportunity to ask questions in a relaxed atmosphere, thereby reducing anxiety. The end result should be an increased familiarity with, and use of, the justice system.

### What Resources Can the Courts Provide?

Consider the following wealth of resources available through most court systems when planning community outreach opportunities. Many of these could be tailored to convey the role of judges and how their independence is central to the rule of law.

**ADR Programs**
Alternative Dispute Resolution programs, such as mediation and arbitration, can make dispute resolution quicker and less expensive. Court-mandated mediation exists in family law and other legal areas. If your court or bar association actively promotes ADR, Law Day can help them build public awareness.

**Bench-Bar Media Conferences**
Topics for such conferences include access to documents, media access in the courtroom, and contact people in the courts. Courts with such programs many times provide guides for reporters covering the courts and devote a section on their website for the media. Judicial independence could be a focal point.

**Bilingual Staff**
Many courts have made the effort to provide for the diverse needs of their communities, including providing for interpreters when necessary. If such programs exist in your community, highlight their availability.

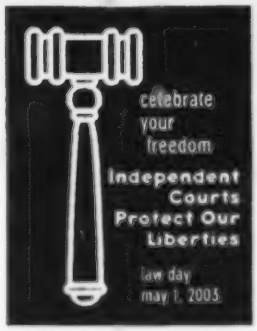
**Brochures and Other Written Materials**
Many courts have produced simple brochures about everyday law and court procedures. Many have translated the materials into other languages. Have these available at all your Law Day public presentations.

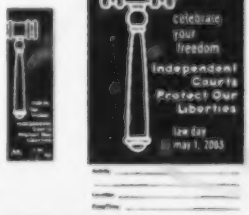
**CASA Programs**
Court Appointed Special Advocates (CASA) are volunteers from all backgrounds who are appointed by judges to advocate for the best interest of abused and neglected children. On Law Day, you can highlight this important program.

**Child-Care Programs**
In an effort to make courts more user friendly, courts sometimes set up child-care facilities for litigants and jurors. Tell people about this service through your Law Day programs.

**Law Day 2003**
**DISPLAY KIT**

SAVE 25%
*Purchase Early and Save Even More!*



***SAVE! SAVE! SAVE!***
with this economy package of *Celebrate Your Freedom* display items.

Contains everything you'll need for a memorable tabletop presentation.

- 1 Law Day poster
- 1 display card
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- 1 package of cards/flyers
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PC# 317-0354P
Package price gives you 25% discount over items purchased separately.
**$40.00** package price



BEST COPY AVAILABLE

**Court Internet Sites/Kiosks**
Many courts extensively use computers to help people obtain information and understand the legal process. Often this is done through the court's website, which can contain user-friendly information for the general public.

Sometimes courts use the Internet to lower the cost of access to the justice system, as, for example, by permitting people to access and download forms online. If your court has such a site, link it to your Law Day site, so the public can better understand their access to justice and the courts can receive needed publicity for the good work they do.

**Court Tours**
Many courts offer regular tours, especially for school groups. This is an ideal time to stress the importance of fair and impartial courts.

**Education for Jury Pools**
Most courts have programs to educate jurors as to their important civic duties. Law Day programs can further this work and can convey a larger picture of what courts do and why their independence is central.

**Information Fairs**
Courts can take the lead in offering "information fairs," at which government agencies and nonprofit groups can have booths explaining what they do and how they can help the public. Such a fair was one of the centerpieces of the efforts of the San Diego County Bar Association Law Week. See Programs at a Glance on page 44 for details.

**Meet the Judges Programs**
These programs have been popular for many years. They typically enable a panel of judges to meet directly with the public. This allows the judges to learn of public concerns, respond accordingly, and speak for the rule of law and the essential role of the courts.

**Media Outreach Programs**
Courts have programs that use diverse media to reach the public. Options include cable TV, radio, and more. All of these tools can convey the "Independent Courts Protect Our Liberties" theme.

**Mock Trial Programs**
Many courts cooperate in school mock trial programs. Judges sometimes arrange for the trials to take place in the actual courtroom and then debrief the students about the process.

**Off-Site Court Sessions**
Court proceedings don't have to take place in courthouses. In a number of states and localities, courts have held special sessions in schools and other non-traditional venues. This helps bring legal proceedings closer to the people and provides many law-related education opportunities.

**Public Forums**
Court Improvement Commissions and similar groups dedicated to bettering our system of justice often sponsor public forums, at which a wide variety of experts and non-experts explore problems and solutions. Explore holding one or more forums on Law Day. Pages 41-42 of this guide provide tips on organizing and conducting such conferences.

**Public Service Announcements (PSAs)**
Some courts produce TV or radio PSAs that try to demystify court procedures. If your court has produced such resources, be sure to incorporate them into your outreach efforts.

**Self-Help Programs**
These programs can assist self-represented litigants in civil law and traffic infractions. Some court-sponsored programs especially stress family law. Some have self-help centers off site (such as at a law magnet high school, with students doing intake). Some have mobile self-help centers, with help for people on forms and court procedures.

**Speakers Bureaus**
Many courts have programs that bring judges face to face with the public, speaking at meetings of service clubs, community groups, religious groups, and senior centers. Make sure everyone on your committee knows that speakers are available.

**Videos**
Many courts have produced educational videos. Check the sidebar below for information on how to order two videos that focus on judicial independence. These resources can be a big help in the Law Day planning.

**Two Videos Highlight Judicial Independence**
*Loitering Around the 21st Century—Our Courts and the Significance of Judicial Independence*. Video program produced by The Missouri Bar featuring Thomas Jefferson and Benjamin Franklin traveling to the 21st century to explore the role of courts and assess the significance of judicial independence. To order copies, contact The Missouri Bar at 573-635-4128.

*Broken Scales: Justice Under the Influence*. Video program produced by the American Board of Trial Advocates, Hawaii Chapter, showing one man's journey through a nightmare world where one of the cornerstones of our democracy—judicial independence—has crumbled. Hawaii Supreme Court Chief Justice Ronald Moon also discusses the importance of an impartial judiciary with a group of students. To purchase a copy of the video, contact the Friends of the Judiciary History Center at 808-539-4999 or at <jhc@aloha.net>.

**Paperweight**
*Looking for a striking Law Day gift or thank-you? Handsome paperweights are surprisingly affordable.*
PC# 317-0292
See page 63

## PROGRAMS AT A GLANCE — Court Reaches Out to Community

**Minnesota Supreme Court**
St. Paul, MN

| | |
|---|---|
| TITLE | Minnesota Judicial Center Open House |
| COOPERATING/ CO-SPONSORING ORGANIZATIONS | MN Center for Continuing Legal Education<br>Lawyers Professional Responsibility Board<br>MN Attorney General's Office<br>Hamline University School of Law<br>MN State Bar Association<br>Legal Rights Center<br>Hennepin County Bar Association<br>University of St. Thomas School of Law<br>Ramsey County Bar Association<br>Legal Aid Society of Minneapolis<br>University of Minnesota Law School<br>Hmong Bar Association<br>William Mitchell College of Law |
| CONTACT | Chuck Tombarge<br>Chuck.Tombarge@courts.state.mn.us |
| BUDGET | $554 |

The Minnesota Judicial Center, home of the state's Judicial Branch and appellate courts, hosted 1,500 people during its first-ever public open house. Participants took guided tours of the Supreme Court, Court of Appeals, Law Library, and other areas of the building and had opportunities to chat with judges and justices.

Other activities included an information fair about law-related topics and court/law careers, with more than 20 organizations; self-guided tours of historic judicial portraits and court history; multimedia presentations about Minnesota's courthouses and the structure of the courts; and hands-on activities about fingerprinting and the trial process.

All of the activities were designed to increase the public's understanding of legal issues and the court system. The information fair highlighted programs that give all citizens equal access to the legal process and invite diversity into the system.

Widespread media coverage increased the event's reach. The local NBC affiliate broadcast live from the Judicial Center throughout its two-hour morning show. The event promoted long-standing and new relations with schools, community groups, and legal organizations and will allow further collaboration on future outreach programs.

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**NEW! Law Day Lapel Pin**
*Newly redesigned Liberty Bell pin in blue, gold, and white will please all your volunteers and committee members.* PC# 317-0335
See page 63

## Other Court Opportunities

**Make Teen Courts Part of Your Law Day**

Youth courts and teen courts are rapidly gaining in popularity all over the country. In these courts, students try or sentence their peers accused of minor offenses in the school or community. These efforts show great promise in fighting delinquency, and a major effort, funded by the federal Office of Juvenile Justice and Delinquency Prevention, has created training materials designed to help projects grow and improve.

Youth/Teen courts aren't mock exercises; they are legally binding. Many youth offenders voluntarily choose youth courts, as an alternative to the juvenile justice system or a disciplinary office. Typically, they have admitted culpability and are referred to youth/teen court for sentencing, though some courts determine whether the defendant is guilty.

This growing phenomenon fits perfectly with Law Day this year. These programs rely heavily on volunteer help from lawyers and others in the community. The programs offer plenty of opportunities for young people and adults to participate, giving them an up-close view of how courts and the justice system work. If your community has—or is developing—youth/teen courts, consider involving the program in Law Day.

**Seeking Partners for Outreach Opportunities**

Successful Law Day programs expand their audiences by reaching out to all areas of their community. Seek out churches, seniors groups, community-based organizations, and advocacy or ethnic groups that might bring a new perspective to the Law Day celebration. Involve others in the planning stage to be sure program offerings match community needs.

**For examples of reaching out to the community in various ways, check out the Programs at a Glance—on this page and pages 44 and 46.**

With the help of these groups, Law Day planners can fashion outreach programs that help the public understand the concept of judicial independence. Many of these groups have newsletters, conferences, meetings, websites, and other means of reaching the public.

Consider these examples of community partners when planning your program.

- Television and radio stations
- Crime Stoppers
- Community Legal Aid Services
- League of Women Voters
- Youth Center
- Community Action Committee
- Literacy Commission
- Child Caring Foundation
- Chamber of Commerce
- Arts Council
- American Legion

**"America's Security Blanket" T-Shirt and Poster**

*"America's Security Blanket" T-shirt and poster remind us that it is the Constitution that keeps us safe.*

T-Shirt PC# 157-0026(XL)
Poster PC# 157-0027

See page 61.

## PROGRAMS AT A GLANCE — Bar Association Sponsored

**Escambia-Santa Rosa Bar Association and Local ABC Affiliate**
Pensacola, FL

| | |
|---|---|
| TITLE | Democracy & Terrorism—A Town Hall Meeting |
| CONTACT | Diana Foote, Executive Director |
| BUDGET | $3,000 |

The Law Day Town Hall Meeting on democratic values in the wake of the terrorist attacks was televised during prime time and drew a community-wide audience. About 20 local high school students posed questions on the future of America's democracy and law to area educators, lawyers, editorial writers, and political, religious, and judicial leaders.

Panelists gave their own views on methods to preserve security without forfeiting liberty, sometimes engaging in heated, but polite, disagreement. Students asked questions ranging from the efficiency and morality of racial profiling to possible justifications of media censorship for protecting national security.

## Putting on a Justice Conference

Citizens conferences can serve as an effective impetus for improvements to the justice system and judicial selection systems. Over the past 30 years, state and local citizens conferences have led to important reforms and improvements, including the establishment of unified court systems and merit selection systems.

Broad-based citizens conferences can also be a key element of Law Day outreach, particularly on this year's theme. They have the potential to reach many groups within the community. And, of course, you can tailor the content to the issues that are important to your state or locality.

Judge Ellen F. Rosenblum, chair of the Oregon Citizens Justice Conference 2000, says the conference "was, without a doubt, the most enjoyable and fulfilling project I have worked on since becoming a judge eleven years ago." She offers these suggestions for organizing such a conference.

**Allow Plenty of Time.** Start planning at least six months before the event.

**Invitation List.** The key to a successful conference is the invitation list. Ideally, you should spend several months putting together a master list of invitees before doing anything else. For each of the areas covered by the conference, identify individuals who can assist in providing lists of citizen leaders. Ask members of minority communities to assemble lists and to commit to following up personally with invitees. Keep invitations to judges and lawyers to a minimum so that the conference has no more than 15% attendance in those categories combined.

To save time and trouble, try to come up with lists of citizens and organizations that may already exist for other purposes. Examples we found are:

- neighborhood association leadership lists,
- County Commissioner census contact list of ethnic and racially diverse churches and organizations,
- Citizens Crime Commission,
- City Club,
- county citizen involvement committees,
- Court Appointed Special Advocates,
- statutory Public Safety Advisory Councils,
- statutory Family Law Advisory Councils.

Select one person to keep the master list, in alphabetical order. This person should also agree to provide regular updated lists to the key members of the committee. The master list should include names, affiliations, addresses, phone numbers (business and personal), fax numbers, and e-mail addresses.

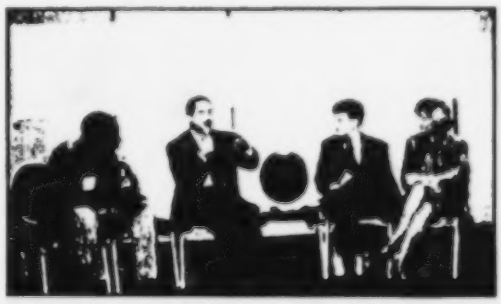
**Planning Committee.** Identify a diverse planning committee that includes members of minority groups as well as leaders in the business community. Plan a regular monthly meeting schedule (three-hour meetings) for approximately six months out. Organize sub-committees for the following areas:

- Preparation of lists of invitees;
- Drafters (letters, brochures, etc.);
- Logistics (facility, food, security, materials),
- Fundraising;
- Pre-conference survey—instrument and result analysis;
- Panel presentation(s)—moderator, panelists, content, telephone conference calls;
- Luncheon speaker(s);
- Facilitators selection and training;
- Break-out group forms and format; and
- Post-conference activities and follow-up.

**Fundraising.** Begin fundraising as early as possible. Many granting agencies have deadlines substantially in advance of the activity. Be sure to have available assistance from individuals with experience in grantwriting and follow-up.

Letters of invitation should be signed by the highest level persons involved in the project — ideally, the Chief Justice and president of the state or local bar, as well as citizen leaders. (Our letter was signed by the Chief Justice and the presidents of the state bar, League of Women Voters, and Portland Community College, where the event was held.)

**Consultant.** Hire a consultant early on to assist in setting up the format for the conference. Judges and lawyers are not necessarily good at the organizational aspects of citizen breakout groups, especially as to obtaining useful results and outcomes. Fortunately, there are excellent people who make a living at this, and they are worth their weight in gold.



**NEW! Law Day Magnets**
*Refrigerator magnets are an inexpensive way to keep Law Day in everyone's line of sight.*
PC# 317-0326


See page 59

**Co-sponsors.** Try to obtain a co-sponsor that will host the conference. Having the president of the community college involved in the planning helped immeasurably in arranging the logistics at the college. Stay in close touch with the staff at the location where the conference will be held, as their help will be critical in the final weeks prior to the conference.

**National Organizations.** The American Bar Association has a number of groups interested in justice improvement, judicial independence, and similar issues. (See website information on pages 34 and 35.) Contact them early on for assistance. Other contacts may include the National Center for State Courts and the various other states that have held citizens conferences.

**Keep Participants Informed.** Stay in regular contact with registrants, especially if there is an early registration. Telephone follow-up is ideal. (We called all pre-registrants the day before the conference to remind them, and we still had a large drop in actual attendance from the number registered.)

**Keep Organizers Informed.** Have a conference chair who stays in close touch with a core group of planning committee members by e-mail. During the last month this group will be communicating many times a day. This will be far more efficient than telephone contact.

**Organize the Meeting.** Try to break the participants up into logical groupings. Require all facilitators to attend a one-hour training session, preferably early in the week prior to the conference. For those who simply cannot make it, schedule an early morning training the morning of the conference for at least fifteen minutes.

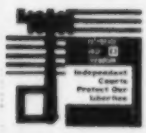
Check the physical plant layout with those who will be conducting breakout sessions to be sure that it will work. Determine its limitations early on and adjust for them, if necessary. For example, if you need three large breakout areas, six small classrooms will not do. And there must be sufficient physical barriers to allow for sound-enhanced wrap-up sessions in each of the groups before reconvening as a large group.

Be sure that the areas used for the breakout sessions have adequate audio set-up. Hand-held microphones for the wrap-up sessions are especially helpful so that the facilitators of the sessions can roam about the room with the microphone. Keep the plenary and breakout sessions reasonably close in proximity to each other.

Keep table groups at approximately 8–10 people so that all will have a chance to speak and to maintain the intimacy of a conversation. Provide snacks near the breakout areas so that people will not need to go far.

**Follow-up** with all participants by letter of thanks for participating and provide a copy of the public report of results of the conference. Set up a website and other opportunities for feedback from citizens after the conference is over.

Incorporate follow-up into your budget. While the conference can be an important end in itself, the report that comes out of it will be a critical indicator of its long-term success. It is well worth spending some time and money, if available, to review all of the individual reports from the breakout sessions and, along with the more general results of the sessions, organize them into a comprehensive, publishable report.



**NEW! Mouse Pad**
*Keep Law Day on everyone's desk with bright Celebrate Your Freedom mouse pads. Pads have a soft fabric surface and a rubber foam base.*
PC# 317-0331
See page 60.

## Putting on a Community Forum

A community forum is another way to involve the public in Law Day programs on justice improvements and judicial independence. It differs from the citizens conference in involving fewer people, and holding a number of such forums is an alternative to holding one large citizens conference.

With the assistance of the Kettering Foundation, the American Bar Association Coalition for Justice, and the ABA Standing Committee on Judicial Independence have produced a National Issues Forum (NIF) program entitled *"...And Justice For All" Ensuring Public Trust and Confidence in the Justice System*. This program is designed to foster community discussion about the justice system and develop community-centered initiatives for system reform. It affords an opportunity to critically discuss the way the justice system operates today and whether all people have access to fair and impartial justice. Participants in the program's deliberative discussions are encouraged to use the ideas they have developed by getting involved in improving the justice system.

An NIF discussion group, usually called a "forum," generally includes 12–15 members of the community who meet for about two hours to discuss an important public policy issue with the assistance of a moderator. Multiple forums in a locality or statewide are encouraged. The forums require little time or money but have rich results since they advance democracy by engaging ordinary people in considering ways to improve policies that directly affect our freedoms under the law.

The program has a book and video on several justice issues giving you a head start in doing such programs. We include a few highlights here—be sure to check out the official website, <www.abanet.org/justice/nif/home.html>, for a wealth of helpful tips for organizers and presenters.

**Issue Books and Moderator's Guide**

*"... And Justice for All"* is a free book that provides background on several important issues facing the courts, including the issue of judicial independence. You can provide them to participants before the meeting or have them available at the meeting.

You can order print copies of the book (PC# 159-0004) for all of your forum participants by calling 800/285-2221 (free in limited quantities). You can also order copies of the Moderator's Guide (PC# 159-0005). Allow 7–10 business days for delivery. Both are also available in .pdf format to be downloaded from <www.abanet.org/justice/nif/home.html>.

**Moderator**

Check out the Public Policy Institute website <www.nifi.org/ppi.html> and contact the PPI site nearest you to invite a trained NIF moderator to moderate your forum or to arrange to attend training to become an NIF moderator.

**Starter Video**

The 10-minute video gives an overview of the issues and a summary of approaches to get the discussion going. Go to <www.abanet.org/justice/nif/home.html> to request a complimentary copy of the starter video. (Allow at least 4 weeks for video delivery.)

**Discussion Questions**

The moderator could use questions like the following to begin and guide discussion on the possible role of politics in the justice system.

- Does "politics" in the justice system worry you? Why or why not?
- What do you mean by "politics"?
- In what way might politics be a good thing in the system?
- If judges are appointed instead of elected, do you worry about the loss of accountability to the voters? Why or why not?
- What are we losing or gaining when court trials are televised?
- If you've ever watched a televised trial, why did you watch? Do you think you gained or learned anything from watching?

**Conclusion/Reflections**

At the conclusion, the forum should provide some closure and help people get an overview of the deliberative work that has been done. Part of the reflections portion of a forum is trying to see if the group identified any common ground for action. Common ground for action is not the same as consensus or taking a vote to identify what the majority wants. Common ground for action is that area where people may still not completely agree but find that they have enough in common—perhaps certain values or priorities—that they can move toward some actions or policies without first having to come to complete agreement.

Every forum functions as a small part of the puzzle and is very important in working toward a solution that the public can support and live with.

**FREE RESOURCE**
*Call 800.285.2221 to order these free discussion guides for community forums. Limited quantities available.*
PC#159-0004

## PROGRAMS AT A GLANCE — The Face of Justice

**Alaska Court System and Alaska Bar Association**
Anchorage, AK

TITLE The US in Justice Is...Everyone!

CONTACT Barbara Hood
Court Rules Attorney & Law Day Coordinator
Bhood@courts.state.ak.us

BUDGET $3,500

"The US in Justice Is...Everyone!" photo-text exhibit served as a visual backdrop for Law Day 2002 activities across Alaska and promoted the 2002 Law Day theme "Celebrate Your Freedom: Assuring Equal Justice for All." The exhibit featured 37 portraits of diverse Alaskans and their personal statements about what equal justice means to them.

Approximately 40,000 Alaskans had the opportunity to view the exhibits at schools, courthouses, and other public venues throughout May 2002. The project succeeded in raising public awareness about our legal system and the work of judges, attorneys, legal organizations, and others in a quest for fairness and equality. The "rule of law" is no longer abstract when a dedicated person gives it a face and a voice.

The exhibit was coordinated, edited, and photographed by an experienced photographer on the court system's senior staff. It was professionally designed and laid out by an independent graphic artist. Because of the desire for wide distribution, it was produced in a way that allowed inexpensive replication and easy display, then provided free of charge to any interested courthouse, school, or community center. We received positive feedback from over 20 host sites.

## PROGRAMS AT A GLANCE — A Bar Reaches Out

**Lawyer Referral and Information Service of the San Diego County Bar Association**
San Diego, CA

TITLE San Diego County Bar Association Law Week 2002

CONTACT Sheree Swetin, Executive Director, Sswetin@sdcba.org

BUDGET $9,750 (includes $3,650 to student winners)

The San Diego County Bar Association's Law Week 2002 celebration included eight programs over seven days, each designed to further the cause of equal justice for all. Through partnerships with inner-city K-12 schools, the Bar was able to reach hundreds of at-risk children with a positive message about the legal system. Over 100 high school students took part in Youth Day in Court, including a mock trial and a tour of San Diego's Superior Court, the third largest court system in the country. Lawyers and judges went into the classroom of San Diego high schools to speak to students about a future in the law in the Legal Career Day. High school students had the opportunity to experience Job Shadow Day with a lawyer mentor for a morning.

Approximately 30 volunteer lawyers reached a broad cross section of the public through the bar's co-sponsoring of a 90-minute Ask-A-Lawyer Call-In Program with the county's top-rated television station. For over eight hours on a Saturday, volunteer lawyers provided free legal information to approximately 500 people at the Free Law legal information tent set up at a public marketplace. Those who were helped will remember that, when they need legal assistance or information in the future, they can look to the Bar for guidance. Divorce and child custody and support issues were addressed by experienced family law attorneys and paralegals during the Family Law Assistance Program at the county's Family Law Courthouse.

**Liberty Bell Plaque**
*For information on ordering the Liberty Bell Plaque* (PC# 317-0023) *or other special awards, see page 63.*

# Working with the Media

Engage the entire community in the Law Day celebration by making the activities widely known. Effective ways of doing this include a thorough and well-planned media campaign – through the local radio/TV stations and print media – and a concerted effort to take advantage of already-scheduled events such as PTA meetings and school board sessions.

## Tips for Developing a Successful Media Campaign

Media products include press releases, tailored videos, radio/TV public service announcements, talk shows/call-ins, and newscast items. The following tips will increase your media impact.

- Pull together a list of the managers of local radio/TV stations and the news/managing editors of local newspapers. Write them letters encouraging them to incorporate information about Law Day into weekly public-affairs broadcasting, a feature-news article, or some other media product. Offer a spokesperson to appear on telecasts to discuss Law Day.
- Write articles for publications in the newsletters of local organizations.
- On Law Day, take out a large newspaper ad highlighting the various Law Day activities and listing all of the legal personnel volunteering to speak to students. This is good publicity and a win-win situation for all.
- Develop a list of knowledgeable and concerned citizens willing to speak out on the Law Day celebration.
- Enlist the participation of state and local political leaders.
- Write a letter to the editor about Law Day.
- Find out about scheduled public meetings. Contact organizers to obtain time on the agenda to brief the participants.
- Work towards building a year-round relationship by offering your organization as a valuable resource for information. Let editors and reporters know that they can contact you when they need expertise on interpreting developments in the law.
- If you want an event covered by a reporter, ask for the city editor, assignments editor, or the legal affairs reporter. You can ask for a columnist or feature writer who has included information on community events of other organizations and might be receptive to publicizing your activities.
- Put on ask-a-lawyer events. These often receive publicity throughout the day with live segments from the area where lawyers are taking calls. Significant TV coverage like this, however, takes a lot of planning since TV schedules are set well in advance.

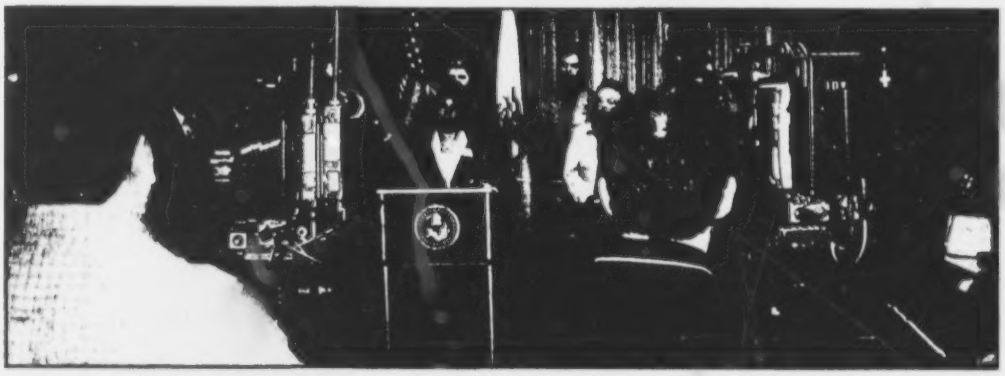
  Several bar associations were successful with this activity. They include the Travis County Bar Association (Austin, TX) where 25 volunteers responded to more than 200 callers; the Mobile Bar Association (Mobile, AL) where 35 volunteers responded to over 500 calls; and the Pennington County Bar Association (Rapid City, SD) where 40 volunteers responded to over 324 calls.
- Highlight your awards ceremonies. These are great photo opportunities and a terrific chance to get publicity. More than 200 bar associations present annual Liberty Bell Awards to an individual in the community for outstanding public service. Student contests, such as an essay competition, debate, or poster contests, offer the media a wide range of appealing features and images.

**Law Day Disk**
*Camera-ready art and talking points for Law Day 2003 help you reach the media.*
PC# 317-0353

See page 60.

The Alameda County Bar Association awarded its Liberty Bell Award to Cecilia Chang. Mrs. Chang was instrumental in clearing the name of scientist Wen Ho Lee. She told the audience that, even though she was not an attorney, she believed it was important for her to become involved in the matter. The theme of personal involvement in the political and legal process rang strong throughout the audience.

- Leave no stone unturned in raising the profile of Law Day activities. Your calendar of events or information on special activities can be sent to schools and libraries, as well as the media. Compile a liaison mailing list that includes someone from every large firm in town, the public interest agencies and government offices, minority and specialty bars, law clerks, court officials, librarians, paralegals, and law schools. Liaisons should receive mailings every month so they can notify friends and co-workers of upcoming events and recruit volunteers.
- If you anticipate your program may attract exceptional media coverage, be prepared with adequate space reserved for television cameras and, if possible, a quiet area where a reporter could conduct an interview. Have a specific volunteer on the alert to greet members of the media, give them a press packet, and put them in direct contact with targeted individuals for interviews.
- Alert others to the fact that you are inviting the media to come. Most schools have restrictions on photographing or videotaping children.
- Give your winners—and your program—publicity by enlisting the help of the local newspaper. Many Law Day programs throughout the country that include essay and poster contests have the winning projects published in the local newspaper.



**SALE! Law Day Visor**

*Unique white cotton sun visor has the word "law" embroidered in blue. Makes a great give-away at Law Day fun runs or golf outings—and don't forget that today's kids love visors too.*

PC# 317-0304

**SALE! Law Day Cap**

*Tell the world what you're loyal to. 100% heavy cotton twill khaki Law Day hat features embroidered word "LAW" in blue.*

PC# 317-0277

*See page 60 for both products.*


## PROGRAMS AT A GLANCE — Court Sponsored Programs

**Clermont County, Ohio, Domestic Relations Court ■ Clermont County Bar Association**
Batavia, OH

| | |
|---|---|
| TITLE | Clermont County Domestic Relations Court Law Day 2002 |
| CONTACT | Deborah Cadwallader, Court Administrator<br>Ccdrc@fuse.net |
| BUDGET | $750.00 |

Local high school juniors and seniors actively participated in a fast-paced, half-day program at the courthouse. Participants were continually asked to take the "hot seat." After an overview of judicial decision making, participants were asked to interpret hypothetical statutes on landlord-tenant disputes.

Students were introduced to innovative programs initiated by the court to address the needs of children, including the "Children Coping with Divorce" program and the "KIDS" ("Kids in Divorce Situations") program.

The third component of the program was devoted to domestic violence. After defining and discussing the magnitude of domestic violence, students viewed a live mock trial of a final civil domestic violence hearing.

**Sending News Releases**

A Law Day luncheon is not news—unless you've lined up a great speaker with big name recognition. The media might be interested, however, in more photogenic events such as a special naturalization ceremony or a mock trial at an elementary school.

Send a one-page release to the newspapers and radio and TV stations at least two months ahead of the actual event. Include a contact name with a phone number that is staffed during the day. Follow up with a phone call a month before the event to remind them of the event, answer any questions, and ask if they are planning on covering the event.

Don't take it personally if the media does not show up. A fast-breaking local news story can pre-empt an event you worked months to produce. Have someone on hand who can take quality photographs or a professional videotape of the event, and contact the media the next day to ask if you can submit it to them along with a story.

**Writing a Press Release**

- Be sure your press releases include the basic who, what, when, where, and why in the first or second paragraph.
- Write in short sentences that get to the point fast.
- Include a contact person's telephone number on the release and make sure that number is staffed during business hours.

**Submitting PSAs to the Media**

While releases are sent to the newsroom, public service announcements (PSAs) should be sent a month in advance of the event to the community calendar department of local stations and newspapers. PSAs briefly spell out who, what, when, and where in one or two sentences. Stations record them in advance or have an announcer read them over the air, and newspapers can include them in a calendar of events.

Most stations will only use PSAs that are 10 seconds long, although you can also submit a 20- or 30-second version. Practice reading your copy out loud at varying speeds to allow for different announcer styles.

If you have the equipment to record a high-quality video or cassette tape of your PSA, the station may use it. Slides from last year's event can be combined with an audio recording. The station may choose to have an announcer read it on air or include it in a listing of other calendar events, however, so always submit the script with a tape.

**Using Proclamations**

One of the best ways to give Law Day more impact is to have your governor or mayor "proclaim" it. Use the sample on the next pages as suggested language for the official you approach or adapt it to fit the emphasis of your program. It's a good idea to start the process early, using whatever personal contacts your group has, and be persistent as the request works its way through channels. A public signing of the proclamation is a good photo opportunity and provides another way to build early awareness of Law Day and recognition for your planning group.

**Planning for the Following Year**

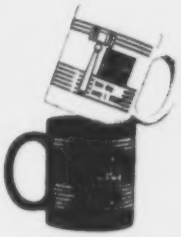
Remember to take slides or videos of the events that can be used for Law Day promotion throughout the year.

The Superior Courts & Essex County Bar Association (Newark, NJ) had video coverage of all events. A video documentary is being produced from footage taken at each event. It will be shown at the courthouse, schools, and on cable television.

**!!! Media Opportunities on This Year's Theme**

Activities around this year's theme are especially likely to get media coverage. How we select judges is a major issue in many communities, and good programs highlighting the issue and offering alternatives could well attract coverage. Some ideas:

- Invite members of the media to your citizens conference or issues forums. The issues forum site has sample press releases. Access it at <www.abanet.org/justice/nif/home.html>.
- Access <www.manningproductions.com/ABA245/OMK/main.html> for an online media kit on "Justice for Sale." It gives you media releases and images and audio on the issue of campaign contributions to judges.



**Law Day Porcelain Mugs**

*Add patriotism to your morning brew. 11 oz. cobalt blue or white porcelain mugs have a striking Celebrate Your Freedom Law Day imprint.*

PC# 317-0327B (blue mug)
PC# 317-0328W(white mug)


*See page 58.*

## SAMPLE LAW DAY PROCLAMATION LAW DAY 2003

### 2003 LAW DAY PROCLAMATION

Whereas, Law Day is a celebration of America and the rule of law; and

Whereas, an essential component to the American ideal of the rule of law is a fair and impartial judiciary; and

Whereas, a fair and impartial judiciary protects American's rights and liberties under state and federal constitutions; and

Whereas, a fair and impartial judiciary requires an independent judiciary able to fulfill its constitutional obligations as the third branch of government in the American system of checks and balances; and

Whereas, there have been examples of an escalating partisan and special interest battle over American courts; and

Whereas, the escalating partisan and special interest battle over American courts are antithetical to the judiciary's role in the American experiment in self-government;

Now, therefore, as we celebrate Law Day 2003, we restate our commitment to judicial independence as an essential component of the rule of law and our dedication to ensuring fair and impartial judicial decision making under federal and state constitutions as essential to American democracy, liberty, and freedom.

Law Day 2003 provides an opportunity to re-examine how we as a nation want our judiciary to function. At a time when partisans and special interests try to shape a judiciary that is responsive to political considerations above all else, we have the responsibility to reaffirm our commitment to a truly independent third branch.

Our renewed commitment to judicial independence can be expressed through many actions, big and small, taken in our local communities and at the national level, such as:

- Defending the state and federal judges from unfair or unwarranted criticism, whether it be motivated by partisanship, special interests, or simply a misunderstanding of the role of the judiciary in our system of government;
- Demanding adequate funding for court systems so that judges have the resources to administer justice without undue delay or burden;
- Promoting new approaches to improving judicial elections, such as public financing of campaigns and voter guides, that produce a better-educated electorate while reducing the influence of private contributions to judges; and,
- Continuing to work towards merit-based systems of appointing and retaining judges that provide an appropriate balance of judicial independence and accountability to the public.

As New Jersey Chief Justice Arthur T. Vanderbilt said in the last century, "Judicial reform is no sport for the short-winded." Indeed, the theme of Law Day 2003 serves to remind us that the American experiment in self-government requires constant vigilance of purpose, especially when it comes to ensuring the continuing luster of the crown jewel of our Republic, our uniquely American independent judiciary.

NOW THEREFORE, I _____, (Mayor, Governor, etc.) of _____, do hereby proclaim Thursday, May 1, 2003, as Law Day. I urge the citizens, schools, businesses, and media of _____ to use this occasion to dedicate themselves to preserve and strengthen the rule of law and the independence of our courts.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of April, in the year of our Lord two thousand and three, and of the Independence of the United States of America, the two hundred and twenty-sixth.

60

# 2003 Law Day
# Recognition Awards and Competitions

## Enter the Competitions and Be a Winner!

**Awards will be given for Outstanding Law Day Activities, Speeches, and Photos.**

**A chance for national recognition for Law Day programs, Law Day speakers, and student photographers**

**Activity Awards**
*Law Day Programs winning will*

- **be honored at a special presentation at the ABA Mid-Year Meeting**
- **receive a gift certificate for the Law Day Resource Catalog**
- **be featured in ABA's national publicity effort and the *ABA Journal***
- **be included in next year's Law Day Planning Guide**

For more information, see the entry guidelines and form on pages 50 51.

**Finch Speech Awards**
*Speakers winning will*

- **receive a cash award**
- **be honored at a special presentation at the ABA Mid-Year Meeting**
- **be featured in ABA's national publicity effort and the *ABA Journal***
- **be included in next year's Law Day Planning Guide**

For more information, see the entry guidelines and form on pages 52–53.

**Images of Freedom Photo Competition**
*Students ages 12–18 winning will*

- **win cash prizes, an encyclopedia, a dictionary, and Law Day gift packs**
- **be honored at a special Law Day presentation in Washington, D.C.**
- **have their photos exhibited at libraries and museums nationwide**
- **be featured in the ABA's national publicity and in next year's planning guide**

For more information, see the entry guidelines on page 54.

BEST COPY AVAILABLE

# OUTSTANDING LAW DAY 2003 ACTIVITY AWARDS

***Enter and Win!***

**Statement of Purpose**
The awards program showcases effective Law Day activities and lets us share these models with others throughout the country. Tell us about your outstanding Law Day activities that expand the public's understanding of the rule of law and appreciation of the positive role law plays in our society.

**Awards**
Winners will be honored at a special presentation at the ABA Mid-Year Meeting in San Antonio, TX, in February 2004. As a winner, you will receive a credit of $100 toward the purchase of Law Day materials. Your winning entry will be prominently featured in the ABA's national publicity, the *ABA Journal*, and in next year's Law Day Planning Guide.

**E-mail Checklist**

- ☐ **Entry Form**
- ☐ **Activity Summary and Narrative**
- ☐ **Supporting Materials,** if any
- ☐ **Work Products,** if any

**Mail and Fax Checklist**

- ☐ **Entry Form, signed original and 4 copies**
- ☐ **Activity Narrative 5 copies**
- ☐ **Supporting Materials,** if any, **5 copies**
- ☐ **Work Products,** if any, **5 copies**

**Eligibility**
All organizations conducting Law Day 2003 activities are eligible, except American Bar Association entities and organizations that have won a Law Day Activity Award in the past three years.

**Entries**
This year we are encouraging e-mail entries. All you have to do is download the form from our website, fill it out, and attach it to your e-mail, along with your activity summary and narrative, up to 15 pages of supporting materials, and as many work products as you have available electronically. Send it to us at <abapubed@abanet.org> and we'll do the rest.

All entries mailed or faxed must include **five copies of the entire entry set** (collated), including

1. **Entry Form** (signed original and four photocopies)
2. **Activity Narrative** (not to exceed 750 words) demonstrating how each of the selection criteria was met
3. **Supporting Materials,** if any, such as newspaper articles about your activity, letters of support and thanks, etc. (not to exceed 15 pages on 8½" x 11" paper)
4. **Work Products,** if any, including
   - materials such as videotapes for schools or the public or transcripts for original mock trials
   - photos of bookstore/library/school displays, exhibits of winning posters/photos
   - handouts for use by the public and for students
   - posters and any other educational materials developed by the program

*Sorry, we can't return entries.*

**Selection Criteria**
Entries will be judged on

- Extent to which the activity expands public awareness of the rule of law
- Extent to which the activity highlights the theme of "Celebrate Your Freedom: Independent Courts Protect Our Liberties" (see page 4 of this planning guide)
- Extent of outreach to communities and schools (public impact, including number of people reached by each activity and media coverage)
- Extent and effectiveness of partnerships formed among community groups, schools, and legal organizations
- Quality, innovation, and effectiveness of approach
- Extent to which activities have the potential to extend their impact beyond Law Day (e.g., planned follow-up activities, integration into ongoing school or community-based law-related education activities)

(NOTE: All activities will be judged with respect to the size of their budget so that activities with larger budgets do not have competitive advantage over those with smaller budgets.)

**Deadline**
Entries must be e-mailed, postmarked, or faxed **by June 11, 2003,** to be considered.

E-mail <abapubed@abanet.org>

or mail five (5) collated copies of each entry set to

Law Day 2003 Outstanding Activity Awards
ABA Division for Public Education
541 N. Fairbanks Ct., 15th Flr. (15.3)
Chicago, IL 60611-3314

or fax to 312/988-5494.

For information, call 312/988-5735.

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# ENTRY FORM OUTSTANDING LAW DAY 2003 ACTIVITY AWARDS

## E-MAIL/POSTMARK DEADLINE: JUNE 11, 2003

Please complete all items on this form and return via e-mail, mail, or fax. You may download the form from our website, <www.lawday.org>, and send it via e-mail, with supporting materials and work products if available electronically. For mail/fax, be sure to include five copies of the narrative describing your activity, supporting materials, and work products (if any) by **June 11, 2003**. Refer to guidelines on the facing page to ensure that you are meeting all requirements.

**1. Contact Information** Please indicate below the individual who is your contact for further communications (awards notification, next year's Law Day Planning Guide, etc.):

Name _____

Title _____

Organization _____

Address _____

City _____ State ____ ZIP _____

Phone Number _____

Fax Number _____

E-Mail Address _____

Website Address _____

**2. Activity Information**

A. Activity Name _____

B. Date/Duration of Activity _____

_____

(e.g., Law Day, Law Week, or longer; please specify)

C. Target Audience(s) (please specify number of people reached and composition of audience(s)) _____

_____

_____

D. Activity Summary On a separate sheet, please provide a brief summary (no more than 100 words) of your activity. Please make sure this summary highlights your activity effectively, as it will be used for our promotional materials.

E. Overall Budget _____

F Main Sponsor (if any) _____

G. Cooperating/Co-sponsoring Oganizations (if any)

_____

H. Activity Narrative (five copies for mail/fax) Please include, on separate sheets of paper, a description of your activities (no more than 750 words). Remember to say how what you did met each of our selection criteria.

I. Supporting Materials (five copies for mail/fax) You may also include up to 15 pages of additional materials to help us evaluate your activity, especially regarding its impact upon the public. Examples are clips showing media coverage, letters, testimonials, etc. Please submit these materials on $8\frac{1}{2}$" x 11" sheets.

J. Work Products (five copies for mail/fax) If you wish, you can also submit five copies of key Law Day work products, such as educational videotapes, posters, transcripts of original mock trials, brochures, other written materials for the public, etc.

K. Photos By all means, send us photos (hard copy or digital). For hard copy, write your sponsoring organization and location on the back of each photo. For digital photos, abbreviate this information (Minnesota Supreme Court would become MSC_MN; Baton Rouge Bar Association BR_BAR_LA) and number each photo (MSC_MN_01, _02, etc.). If you want to describe each photo (who's in it, what are they doing), you can write that in your e-mail, identifying each photo with its number (MSC_MN_04, for example).

The e-mail/postmark deadline for entries is **June 11, 2003**.

Entries should be e-mailed to <abapubed@abanet.org>

or mailed to
Law Day 2003 Outstanding Activity Awards
American Bar Association
Div. for Public Education
541 North Fairbanks Court
Chicago, IL 60611-3314

or faxed to 312/988-5494.

For information, call 312/988-5735.

By my signature below, or by submitting this application electronically, I certify that, to the best of my knowledge, the information included in the accompanying materials accurately and truthfully represents our activities, their impact and outreach, and that we have noted all cooperating or co-sponsoring organizations that contributed to these activities. Additionally, I grant the ABA's Division for Public Education the nonexclusive right to use, reproduce, or disseminate by any communications medium my entries, or portions thereof, to publicize and promote its nationwide education programs.

Signature _____

Printed Name _____

Title _____ Date _____

# JUDGE EDWARD R. FINCH LAW DAY SPEECH AWARDS

***Enter your speaker's remarks!***

**Statement of Purpose**
The Judge Edward R. Finch Law Day Speech Awards were established in 1968 by Edward R. Finch Jr. in memory of his father, a member of the American Bar Association Adjunct Committee on Law Day and a Justice of the Supreme Court of New York for many years. The goal of the Judge Finch Law Day Speech Awards is to expand the public's understanding of the rule of law and appreciation of the positive role law plays in our society. Competitive preference will be given to those whose speeches emphasize this year's theme, "Independent Courts Protect Our Liberties."

**Awards**
The first-place winner will receive a check for $1,000 and an inscribed plaque at a special presentation at the ABA Mid-Year Meeting in San Antonio, TX, in February 2004. Other winners will receive certificates signed by the president of the ABA. Winning speeches will be featured in the ABA's Law Day publicity and in next year's planning guide.

**E-mail Checklist**

- ☐ **Entry Form**
- ☐ **Speech**
- ☐ **Supporting Materials,** if any

**Mail and Fax Checklist**

- ☐ **Entry Form, signed original & 3 copies**
- ☐ **Speech, 4 copies of transcript or audio or video tape**
- ☐ **Supporting Materials,** if any **4 copies**

**Entries**
Anyone can enter on the speaker's behalf—the speaker, someone who attended the speech, a Law Day planner. Note, though, that you must secure the written permission of the speaker. The final part of the form has a place for him/her to sign. Faxed signatures are acceptable; electronic submission also substitutes for a hard-copy signature.

If you enter by mail or fax, your entries should include four copies of the entire entry set, as specified below. If you enter by e-mail, download the entry form and fill it out. Attach an electronic version of the speech and up to 10 pages of supporting material if available electronically, and send to <abapubed@abanet.org>.

Mailed/faxed entries should include

1. The **completed entry form** (signed original and three photocopies)
2. The **speech** (can be transcripts or audio or video tapes)
3. **Supporting materials** to help us evaluate the speech's impact, including media coverage (e.g., letters, testimonials, newspaper articles, or broadcast tapes in which the speech may have been noted or excerpted, etc.)

   No more than 10 pages of such materials and two tapes will be accepted.

*Sorry, entries cannot be returned.*

**Eligibility**
Any adult who delivers a speech in conjunction with a Law Day observance is eligible for the competition. American Bar Association officers, Board of Governors members, and staff members, as well as their spouses, children, and parents, are not eligible, nor are K–12 students who speak to school groups.

**Selection Criteria**
All entries will be judged on

- Originality and clarity of speech
- Educational value
- Extent to which speech expands the American public's understanding of the rule of law and appreciation of the positive role law plays in our society
- Extent to which the Law Day 2003 theme, "Independent Courts Protect Our Liberties," is addressed by the speech
- Public impact (audience size and composition, location, as well as media coverage, broadcast audience, and/or publicity generated)

**Deadline**
Entries must be e-mailed, postmarked, or faxed **by June 11, 2003,** to be considered.

E-mail <abapubed@abanet.org>

or mail four (4) collated copies of each entry set to

Law Day Speech Awards
ABA Division for Public Education
541 N. Fairbanks Ct., 15th Flr. (15.3)
Chicago, IL 60611-3314

or fax to 312/988-5494.

For information, call 312/988-5735.

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# ENTRY FORM JUDGE EDWARD R. FINCH LAW DAY SPEECH AWARDS
## E-MAIL/POSTMARK DEADLINE: JUNE 11, 2003

Please complete all items on this form and return via e-mail, mail, or fax. You may download the form from our website, <www.lawday.org>, and send it via e-mail, with the speech and other material, if available electronically, to <abapubed@abanet.org>. If you enter by mail/fax, be sure to include four copies of the speech (transcript or audio or video tape). E-mail/postmark deadline is **June 11, 2003.** Refer to guidelines on the facing page to ensure that you are meeting all requirements.

### 1. Contact Information

A. Please identify the speaker:

Name _____
Title _____
Organization _____
Address _____
City, State, ZIP _____
Phone Number _____
Fax Number _____
E-Mail Address _____
Website Address _____

B. If different from above, please indicate below the individual who is your contact for awards notification and further communications:

Name _____
Title _____
Organization _____
Address _____
City, State, ZIP _____
Phone Number _____
Fax Number _____
E-Mail Address _____
Website Address _____

### 2. Speech Information

A. Title of Speech _____
_____

B. Public Impact (time of delivery, location, size and composition of immediate audience at which speech was delivered, additional public impact through media coverage)

_____
_____
_____

C. Supporting Materials You may include up to 10 pages and two tapes of additional material to help us evaluate the speech. Include materials that express the speech's impact on the public. Examples are articles showing media coverage, letters from the public, and background information on forum, sponsoring organizations, etc., as well as audio or video tapes of broadcasts in which the speech is noted. Please submit written materials on $8\frac{1}{2}$" x 11" sheets.

E-mail/postmark deadline for entries is **June 11, 2003**.

Entries should be e-mailed to <abapubed@abanet.org>

or mailed to
Judge Edward R. Finch Law Day 2003 Speech Awards
American Bar Association
Division for Public Education
541 North Fairbanks Court (15.3)
Chicago, IL 60611-3314

or faxed to 312/988-5494.

By my signature or by submitting this entry form electronically, I certify that, to the best of my knowledge, the information included in the accompanying materials accurately and truthfully represents data about where the speech was delivered, its impact, and its outreach. I further certify that the speech represents my original work and has never been delivered in this form before. I grant the ABA's Division for Public Education the nonexclusive right to use, reproduce, or disseminate by any communications medium my speech, or portions thereof, to publicize and promote its nationwide education programs.

_____
Signature of Speech's Author

Title _____ Date _____

# IMAGES OF FREEDOM STUDENT PHOTOGRAPHY COMPETITION
## POSTMARK DEADLINE: FEBRUARY 1, 2003

**What's it about?**
The Seventh Annual Images of Freedom National Student Photography Contest invites students across the country to submit their original photographs depicting the theme for **Law Day 2003: "Celebrate Your Freedom—Independent Courts Protect Our Liberties."** The contest is open to all students ages 12 to 18 who are citizens or residents of the United States and have not yet graduated from high school.

This year's theme of "Independent Courts Protect our Liberties" focuses on the need for fair and impartial courts in a democracy. Judicial independence is "the most essential characteristic of a free society." In a democracy, no one—no matter how powerful—is above the law, as long as judges have the authority to apply the law impartially and fairly. This theme stresses that "independent" courts are dedicated to the rule of law and are free from political interference and community pressures. The theme raises the question of whether justice is for sale. There are problems with judges soliciting campaign money if they have to stand for election. There is also the problem of heavy spending by issue groups to sway judicial elections.

You may interpret this theme however you like. Be curious, be critical, be serious or humorous, but most of all, be *creative*!

**What could I win?**
First-, second-, and third-place entries will receive the following prizes:

| | |
|---|---|
| **First Place** | A $1,000 award, a special plaque, and an expense-paid trip for you and a parent or guardian to Washington, D.C., to receive your prize |
| **Second Place** | The World Book Encyclopedia with CD-ROM |
| **Third Place** | A $100 U.S. Savings Bond and student dictionary |

All winners, including honorable mentions, will also receive Law Day gift packs and special certificates. Winning photographs will be displayed at library and museum venues nationwide and on the ABA Division for Public Education's website.

**How do I enter?**
To be eligible for the competition, **you must submit a complete package**, postmarked no later than **February 1, 2003.** Entrants must be students between 12 and 18 years of age who have not yet graduated from high school and who are citizens or residents of the United States.

Obtain and fill out an official entry form and all necessary releases. You can obtain a printed copy of the official entry form and releases by

- sending an e-mail request to <abapubed@abanet.org>
- calling 312/988-5735
- writing Images of Freedom Competition, Division for Public Education (15.3), American Bar Association, 541 N. Fairbanks Court, Chicago, IL 60611-3314.

You can also download onto your computer official entry and release forms from the Images of Freedom website at <www.abanet.org/publiced/imagescontest>.

Incomplete entries, including those not submitted on an official entry form, or **entries postmarked after February 1, 2003, will be immediately disqualified.** Entrants should read the official contest rules before submitting their entry. Only one entry per student is allowed.

**How are photographs judged?**
A national panel of judges will select the winning photographs according to the following criteria:

- expressiveness and originality in offering a memorable representation of the Law Day 2003 theme, "Celebrate Your Freedom—Independent Courts Protect Our Liberties"
- creativity of the photography—its uniqueness and ability to move or catch the attention of a viewer
- quality of composition in the use of space, lines, colors, and tones
- technical components, including lighting, exposure, and focus

**Where can I get more information?**
Visit the Images of Freedom Student Photography Competition website at <www.abanet.org/publiced/imagescontest> for additional information, examples of winning photographs from previous years, and downloadable copies of extra entry forms and release forms.

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# 2002 IMAGES OF FREEDOM COMPETITION WINNERS

2002 Theme
**Assuring Equal Justice for All**

**2002 Winners**

**First Place**
**Declan Murphy**
Corona High School
Corona, CA
***Balance***

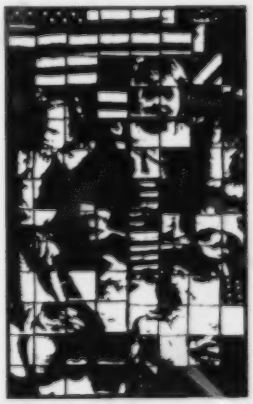
**Second Place**
**Anh-Linh Trinh**
Piper High School
Kansas City, KS
***Untitled***

**Third Place**
**Tabitha Lucas**
Center Grove High School
Greenwood, IN
***Essential Liberty***

**Honorable Mention**
**Lindsey Neal**
Homestead High School
Ft. Wayne, IN
***Youth of the Nation***

**Lauren Nopar**
Chandler High School
Chandler, AZ
***Dealt the Hands of Justice***

**Lynn Downey**
Gulf Coast High School
Naples, FL
***Innocent Hope***



## Outstanding Law Day 2002 Activity Awards

**Alaska Court System and the State Bar of Alaska**
"The US in Justice Is...Everyone!" photo-text exhibit put a face on justice in Alaska. The exhibit featured 37 portraits of diverse Alaskans and their personal statements about what equal justice means to them. Approximately 40,000 Alaskans had the opportunity to view the exhibits at schools, courthouses, and other public venues throughout May 2002. The project succeeded in raising public awareness about the legal system and the work of judges, attorneys, legal organizations, and others in a quest for fairness and equality. The "rule of law" is no longer abstract when a dedicated person gives it a face and a voice.

**Louisiana Center for Law and Civic Education**
Middle and high school students and their teachers from all over the state came to New Orleans to attend the Law Day Summit on "Assuring Equal Justice for All." They interacted with lawyers, judges, and law-enforcement officers. The day began with a mock city council meeting debate of a local teen curfew law. Students presented their recommendations to improve the existing ordinance before a group of local elected officials and city leaders. This was followed by breakout sessions on assuring equal justice in the workplace, school, and home.

**Minnesota Supreme Court**
With the help of a diverse group of co-sponsors, the Minnesota Judicial Center, home of the state's Judicial Branch and appellate courts, hosted 1,500 people during its first-ever public open house. About half were K–12 students and their teachers. Others were from senior citizens groups, business and social clubs, and the general public. Participants took guided tours of the building and had opportunities to chat with judges and justices. Other activities included an information fair about law-related topics and court/law careers with more than 20 organizations; multimedia presentations about Minnesota's courthouses and the structure of the courts; and hands-on activities about fingerprinting and the trial process.

**Nebraska State Bar Foundation and the Nebraska Supreme Court**
For the state's third annual Law Day essay contest, students in grades 7–12 submitted essays examining whether the word "equality" should be added to the Pledge of Allegiance. The essays were judged by sitting Nebraska jurists on the basis of understanding of the topic, originality, and creativity, among other criteria. Winners for each grade level, their teachers, administrators, and families were invited to a special Law Day Recognition Luncheon in Lincoln. The Nebraska Supreme Court's Chief Justice presented the awards, and the Governor gave his Law Day proclamation at the luncheon.

**Pennington County (South Dakota) Bar Association**
The bar reached out to the community through an ask-a-lawyer program that answered more than 300 calls. Almost 1,000 grade school students participated in coloring and poster contests. About 200 high school students attended such activities as a death penalty debate and mock trial, a family law discussion, and a session introducing careers in the law. The play "Impeach Justice Douglas" was presented to audiences of high school students and the general public, and a "Dialogue on Freedom" included many issues raised by the terrorist attacks of September 11, 2001.

**Uintah County (Utah) Justice Court**
In its first-ever Law Day celebration, the court conducted an ambitious program of mock trials for grade school students and adults. The judge provided information and answered questions in a series of newspaper articles. The court also held an open house and ask-the-judge program. In addition, the court sponsored an art contest and a presentation by the Uintah County Sheriff's Office. Plans are underway to expand Law Day next year into the government and criminal justice courses of the high school.

## Judge Edward R. Finch Law Day 2002 Speech Awards

| First Place | Second Place | Third Place |
|---|---|---|
| **Gene Nichol**<br>Dean, University of North Carolina School of Law | **Arthur J. England Jr.**<br>Partner, Greenberg Traurig, P.A. | **Deborah Hankinson**<br>Justice, Texas Supreme Court |
| "The Command of Equal Justice" | "Assuring Equal Justice for All" | "Assuring Equal Justice for All" |
| Speech given at the Mecklenburg County (North Carolina) Bar Association Law Day Luncheon, May 1, 2002 | Speech given at the El Paso County (Colorado) Bar Association Law Day Luncheon, May 2, 2002 | Speech given at the Travis County (Texas) Bar Association Law Day Luncheon, May 1, 2002 |

# 2003 Law Day
# Resource Catalog

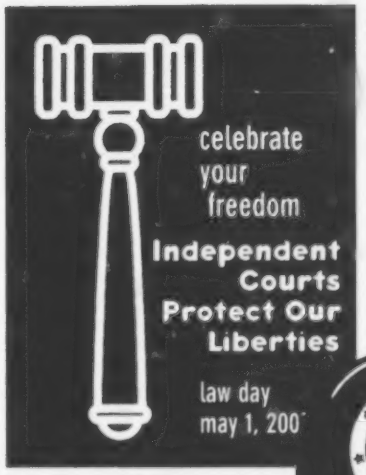
## Bring Law Day to the Forefront with these Great Products!

- **Celebrate Your Freedom** with T-shirts, buttons, mugs, magnets, and much more. (pages 58–62)
- **Honor Achievement** with special awards for students and community members, and thank-you gifts for your volunteers. (page 63)
- **Reach Kids in School** with mock trials, career information, and how-to guides for presenters. (pages 64–68)
- **Reach the Whole Community** with easy-to-understand books, pamphlets, and videos on everyday law topics. (pages 69–71)

Additional copies of the Law Day 2003 Planning Guide are available.
Ask for product code (PC) 317-0324.

**See page 72 for Order Form**

BEST COPY AVAILABLE




A.

ALL NEW!

B.

C.

## Great for Public Impact!

**A. Celebrate Your Freedom Theme Poster**
Dress up your Law Day event with this colorful poster featuring the great art used on the cover of this year's planning guide. Makes perfect gift or prize. Printed in full color on heavy paper, 25½" x 33".

**PC# 317-0346** ..... **$10.00**
6–19 posters @ $9.00 20+ posters @ $8.50

**B. Balloons**
The sky's the limit for these larger-than-ever Law Day inflatable latex balloons. They come in red and blue with a white design.

**PC# 317-0340 package of 30** ..... **$8.00**
2 packages @ $7.50 4 packages @ $6.50
3 packages @ $7.00 5+ packages @ $6.00

**C. Colorful Law Day T**
Wear your freedom proudly. Handsome gray T-shirt features the colorful Celebrate Your Freedom design seen on the cover of this year's planning guide. Makes a great prize or gift.

**PC# 317-0329L (Large)** ..... **$12.50**
**PC# 317-0329XL (Extra Large)** ..... **$12.50**
**PC# 317-0329XXL (2X)** ..... **$13.50**
2–9 shirts @ $12.00 10–20 shirts @ $11.50 21+ shirts @ $10.00

D.

**D. Law Day Porcelain Mugs**
Add patriotism to your morning brew. 11 oz. cobalt blue or white porcelain mugs have striking Celebrate Your Freedom Law Day imprint. A perfect memento for your committee members and key volunteers. Give one to each of the teachers you reach, and be sure to keep a couple for your own home and office.

**PC# 317-0327B (blue mug)** ..... **$6.50**
**PC# 317-0328W (white mug)** ..... **$6.50**
any 2–5 mugs @ $6.00 any 6–20 mugs @ $5.50
21+ mugs @ $5.00

**E. Law Day Stand-Up Program Display**
Similar to display card below, but with space to describe your program. Stands out anywhere—on a counter or tabletop or bulletin board. Fold-out wing easel (11" x 17").

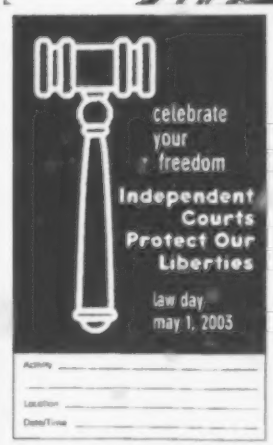
**PC# 317-0347** ..... **$11.95**
6–19 cards @$10.95 20+ cards @ $9.95

**F. Law Day Display Card**
Make a splash with this striking display card. Perfect for tabletop displays in bookstores, libraries, and schools, decoration at your functions, placement in windows. Fold-out wing easel (11" x 14").

**PC# 317-0348** ..... **$11.95**
6–19 cards @ $10.95 20+ cards @ $9.95

**G. Law Day Card/Flyer**
Get the Law Day message out with these attractive #7 envelope-size cards featuring this year's art and delivering key Law Day points—its origins, history and purpose—plus an explanation of the theme.

**PC# 317-0350 package of 100** ..... **$10.00**
2 packages @ $9.00 4 packages @ $8.00
3 packages @ $8.50 5+ packages @ $7.50

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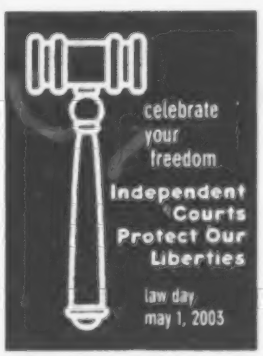



F.

G.

*ORDER EARLY & SAVE!*
February 15, 2003 • Save 10%
March 15, 2003 • Save 5%
April 11, 2003 • Guaranteed Law Day delivery

70

## *Super Giveaways!*

**A. Law Day Buttons**
Celebrate your freedoms with these striking round buttons with safety clasp. Perfect for table favors at Law Day luncheons and banquets, hand-outs to all your volunteers, give-aways at ask-a-lawyer booths and lawyer-in-the-classroom presentations.

**PC# 317-0325 package of 30** ..... **$8.80**
2–4 packages @ $8.30 5+ packages @ $7.80

**TT B. NEW GAVEL DESIGN! Magnets**
Looking for a cute new giveaway? Law Day refrigerator magnets are an inexpensive way to keep Law Day in everyone's line of sight. New magnetized gavel design will make the message stick.

**PC# 317-0326 package of 10** ..... **$5.95**
6–20 packages @ $5.50 21+ packages @ $5.00

**C. Stickers**
Put them on anything and instantly it's an official Celebrate Your Freedom Law Day item. Hand them out to elementary school children on Law Day. Pressure sensitive, 2 3/4" x 2 3/4"

**PC# 317-0332 roll of 200** ..... **$10.50**
2–4 rolls @ $9.75 5+ rolls @ $9.00

**D. Law Day Pencils**
Underline Law Day with multi-colored no. 2 lead pencils, each with Law Day imprint. Perfect giveaways for youth or adult groups.

**PC# 317-0333 package of 30** ..... **$6.50**
2 packages @ $6.20 4 packages @ $5.60
3 packages @ $5.90 5+ packages @ $5.20

**E. Bookmarks**
You'll never lose your place with these handsome 7" x 2 1/8" bookmarks that feature the *Celebrate Your Freedom* image. Printed on sturdy, glossy paper, they're a great give-away!

**PC# 317-0343 package of 100** ..... **$8.00**
2 packages @ $7.25 4 packages @ $6.25
3 packages @ $6.75 5+ packages @ $6.00

**TT F. NEW PRODUCT! Law Day Flower Pack Giveaways**

Here's a fresh idea for Law Day (and May Day too). Help Americans grow red, white, and blue gardens. Seed packets contain about 100 seeds of red, white, and blue asters, while the packet itself carries the Law Day imprint. Children in the younger grades will love this blooming remembrance of Law Day. Sold in packages of 30 packets—enough for an entire class.

**PC# 317-0339 package of 30 packets** ..... **$10.50**
2 packages @ $10.00 4 packages @ $9.50
3 packages @ $9.75 5+ packages @ $9.00

**G. Mug/Pencil Combination**
Special combination with one Law Day mug and thirty pencils, lets you give a Law Day pencil to every student and a Law Day mug to the teacher.

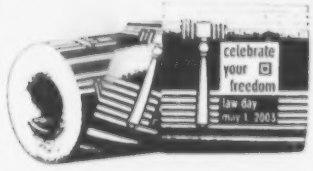
**PC# 317-0342** ..... **$11.50**
2–4 combinations @ $11.00
5+ combinations @ $10.50

**ALL NEW!**

A.

B.

C.

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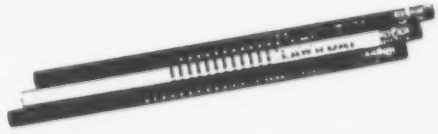

E.

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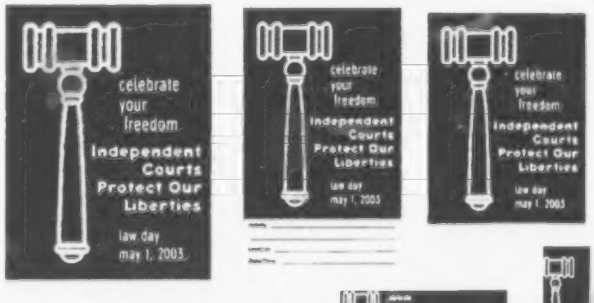
## LAW DAY 2003 DISPLAY KIT

**SAVE 25%**
**ORDER EARLY & SAVE EVEN MORE!**




**Celebrate Your Freedom Law Day Display Kit**
*SAVE! SAVE! SAVE!* with this economy package of *Celebrate Your Freedom* display items.

Contains everything you'll need for a memorable tabletop presentation.

- ★ 1 stand-up program display card
- ★ 1 Law Day poster
- ★ 1 display card
- ★ 1 package of cards/flyers
- ★ 1 package of bookmarks

Package price gives you 25% discount over items purchased separately.

**PC# 317-0354P** ..... **$40.00**
2 packages @ $36.20 4 packages @ $32.60
3 packages @ $34.40 5+ packages @$31.00

## For Those on the Move

**A. NEW PRODUCT! Law Day Stainless Steel Travel Mugs**
For Law Day folks on the go, this great looking stainless steel travel mug has a plastic interior, double walled insulation, a handle, and a splash resistant lid. Makes a great gift for volunteers.

PC# 317-0341 ..... $10.50
2 mugs @ $10.00 — 4 mugs @ $9.50
3 mugs @ $9.75 — 5+ mugs @ $9.00

**B. NEW! Celebrate Your Freedom Sports/Bike Bottle**
Sturdy bottles feature this year's striking art. Perfect for Law Day fun runs, golf outings, bike-a-thons.

PC# 317-0330 ..... $2.50
2 bottles @ $2.35 — 4 bottles @ $2.05
3 bottles @ $2.20 — 5+ bottles @ $1.90

**C. SALE! Law Day Cap**
Tell the world what you're loyal to. 100% heavy cotton twill khaki Law Day hat features embroidered word "LAW" in blue.

PC# 317-0277 ..... $12.00
2–5 hats @ $10.00
6+ hats @ $8.00

**D. SALE! Law Day Visor**
White cotton sun visor has the word "LAW" embroidered in blue. Makes a great giveaway at Law Day fun runs or golf outings—and don't forget that today's kids love visors too.

PC# 317-0304 ..... $7.50
2–4 visors @ $6.50 — 5+ visors @ $6.00

## For Golf Enthusiasts

**E. NEW PRODUCT! Law Day Golf Combo**
Drive Law Day down the fairway. Combo includes two high-quality balls and nine tees, all carrying the Law Day logo. Perfect for golf outings.

PC# 317-0338 ..... $10.50
2 combos @ $10.00 — 4 combos @ $9.50
3 combos @ $9.75 — 5+ combos @ $9.00

## Stay in Touch

**F. NEW! Law Day Mouse Pads**
Keep Law Day on everyone's desk with bright Celebrate Your Freedom mouse pads. Pads have a soft fabric surface and a rubber foam base.

PC# 317-0331 ..... $5.95

**G. Note Cards**
Handsome Law Day note cards and envelopes are just what you need for invitations, thank-you notes to key volunteers, even Law Day greeting cards. Package of 10 cards with envelopes.

PC# 317-0293 ..... $7.95
2 packages @ $7.25 — 4 packages @ $6.25
3 packages @ $6.75 — 5+ packages @ $6.00

## Media Tools

**H. NEW! Camera-Ready Law Day Art/Talking Points**
Complete media packet includes camera-ready variations of the Celebrate Your Freedom theme art for this year. Includes Law Day talking points that will give you a head start on your speeches.

PC# 317-0349 ..... $5.00

**I. NEW! Law Day 2003 Disk**
Perfect for desktoppers. Same as media package above, but in electronic format.

PC# 317-0353D (DOS compatible) ..... $10.00
PC# 317-0353M (MAC compatible) ..... $10.00

*ORDER EARLY & SAVE!*
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72

# NEW! Supply Limited

**"America's Security Blanket" T-Shirt**
This 100% cotton T-shirt with four-color "security blanket" image lets you show your pride in the U.S. Constitution...or wear it as a nightshirt and sleep secure!
PC# 157-0026 (XL).....$10.00

**NEW! "America's Security Blanket" Poster**
This glossy 12" x 17" four-color poster is perfect for framing and displaying in your home or office.
PC# 157-0027 .....$12.00

**Get both! Purchase both the security blanket T-shirt and poster for $20.00!**

WHEN YOU PURCHASE THE FULL SERIES
GET ONE FREE!
The Bill of Rights guarantees the right to assemble. Otherwise, they might still be that one step behind.
I WISH MA COULD VOTE

Right to Assemble
PC# 468-0030

Freedom of Speech
PC# 468-0031

Equal Protection
PC# 468-0033

Religious Freedom
PC# 468-0034

**Bill of Rights Poster Series**
These dramatic, award-winning Bill of Rights posters vividly convey the freedoms protected by our Constitution. Each dramatic black-and-white poster is printed on heavy 11" x 28" paper.
Order your individual favorite for only $4.95.

| | |
|---|---|
| 1–19 @ $4.95 | 100–199 @ $ 3.50 |
| 20–99 @ $4.50 | more than 200 @ $2.00 |

**Full Series PC# 468-0035 ..... $14.95**

**A Teacher's Guide to Bill of Rights Poster Series**
Classroom activities for all grades complement the poster series and cover topics such as freedom of speech, assembly, and religion, right to counsel, and equal protection. Filled with classroom-ready teaching strategies, including sample worksheets and resource listings. 56 pages.
PC# 497-0029 .....$4.95

**Pocket Edition of the Constitution of the United States**
Go right to the source! Presentation copies of these pocket Constitutions feature plenty of lively commentary to help students and adults understand our nation's founding document. $2.95 in stores—half that with Special Law Day pricing. It's a perfect gift! 64 pages.
PC# 317-0033..... 1–20 copies @ $1.50
20–99 copies @ $1.35 200–499 copies @ $1.15
100–199 copies @ $1.25 500+ copies @ $1.05

## LAW DAY 2003
# CELEBRATION IN A BOX

**SAVE 33%**
**ORDER EARLY & SAVE EVEN MORE!**

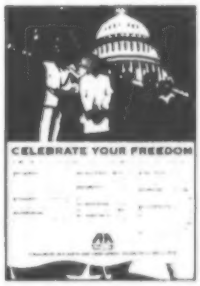
**Law Day 2003 Celebration in a Box**
Save big with this 50-person deluxe party pack that gives you everything you'll need for your event. Package would cost over $700 if items were purchased separately, but it's yours for $479. Celebration in a Box gives you:

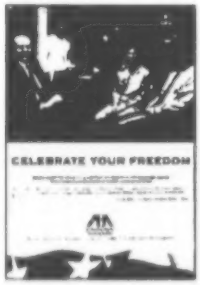
- ★ 5 Law Day Posters
- ★ 3 packages of balloons
- ★ 50 Full-color T-shirts (assorted sizes)
- ★ 4 packages of Law Day pencils
- ★ 50 Certificates of Appreciation
- ★ 1 set of Olympic-style medals
- ★ 1 Liberty Bell Award plaque

73 PC#317-0351P .....$479.00

BEST COPY AVAILABLE

A





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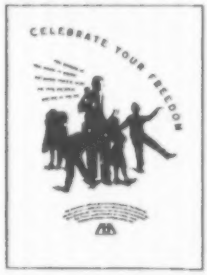
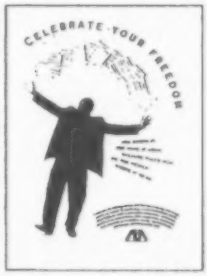




E

F

# Celebrity Posters Celebrate Law Day All Year

TT **A. NEW PRODUCT! Rosa Parks Celebrity Poster**
Black-and-white poster features the image and story of Rosa Parks, who in 1955 refused to give up her bus seat to a white male passenger in Montgomery, Alabama, energizing the movement to end segregation in America and making Mrs. Parks an inspiration to freedom-loving people everywhere.
**PC# 317-0320**.....**Rosa Parks**

**B. "Youth and the Law" Celebrity Posters**
Two black and white posters feature U.S. Supreme Court Justice Steven Breyer talking with a group of high school students (his quote stresses the importance of teaching students how law helps them celebrate their freedom as Americans) and 10 women member of Congress who are also attorneys. Each discusses how law protects the best interest of our children.
**PC# 317-0294**.....**Justice Steven Breyer**
**PC# 317-0295**.....**Congresswomen**

**C. "Democracy and Diversity" Celebrity Posters**
Black-and-white posters feature talk show hostess Cristina and baseball legend Henry Arron and his wife talking about how the law helps them celebrate their freedoms as Americans, with special emphasis on speaking up for democracy and diversity.
**PC# 317-0247**.....**Henry Aaron**
**PC# 317-0263**.....**Cristina (text in English)**
**PC# 317-0263S**.....**Cristina (text in Spanish)**

**D. "Family" Celebrity Posters**
Sports celebrities and their parents tell how they celebrate their freedoms as Americans in this black-and-white poster series. Posters provide a unique distillation of what makes them—and their country—great.
**PC# 317-0225**.....**Football's Steve Young with his father**
**PC# 317-0223**.....**Basketball's Grant Hill with his mother**

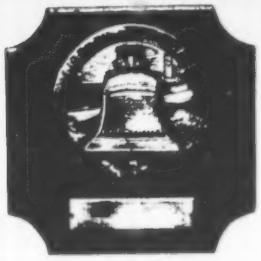
**E. "Celebrate Your Freedom" Celebrity Posters**
Lively black-and-white posters show how our system of liberty under the law helps prominent Americans in very different fields celebrate their freedom.
**PC# 317-0212**.....**Musician Branford Marsalis**
**PC# 317-0213**.....**Golfer ChiChi Rodriguez**
**PC# 317-0214**.....**Business Leader Dave Thomas**

**F. "Original American Dream" Celebrity Posters**
Striking black and white posters show why the U.S. Constitution is the original American Dream. In each, an eminent American describes the importance of the Constitution to fulfilling the American Dream.
**PC# 317-0165**.....**Justice Sandra Day O'Connor**
**PC# 317-0166**.....**Detroit Mayor Dennis Archer**
**PC# 317-0167**.....**Bill Gates Sr. & Jr., Seattle lawyer and Microsoft founder**

**Celebrity Posters**.....**$6.00 each**

Any 2–5 posters @ $5.25
Any 6–10 posters @ $4.75
Any 11–20 posters @ $4.25
Any 21+ posters @ $4.00

## Reward the Players

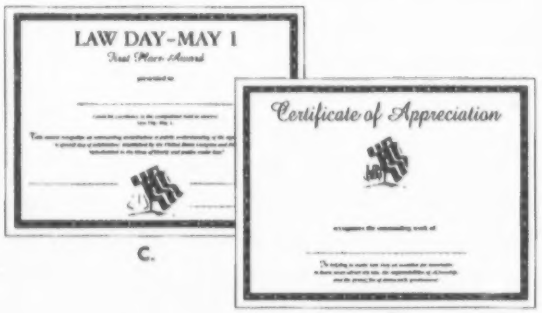


**Liberty Bell Award Plaque**
The Liberty Bell Award was established more than 30 years ago to acknowledge outstanding community service. Each group presenting the award is free to establish its own criteria. Many groups present it to a layperson, a man or woman who has promoted better understanding of the rule of law, encouraged greater respect for law and the courts, stimulated a sense of civic responsibility, or contributed to good government in the community. Sometimes it is presented to a lawyer or judge, and sometimes to a community organization rather than a person. This handsome plaque consists of a bronze-relief replica of the Liberty Bell, mounted on an attractive walnut shield ($8\frac{1}{8}$" square and $\frac{1}{2}$" thick). Bronze name-plate (4" x $1\frac{1}{4}$") is included for local engraving.
**PC# 317-0023** .....**$70.00**

B.

**B. NEW! Olympic-Style Medals**
Memorable award for the winners of contests. Special set of Law Day die-struck 2" gold-, silver-, and bronze-tone medallions recognizes your first-, second-, and third-place winners. Each medallion comes with red, white, and blue flag-style ribbon.
**PC# 317-0334 set of 3 medallions** .....**$24.95**
2-5 sets @ $22.95 6-10 sets @ $20.95

**C. Award Certificates**
A decorative set of first-, second-, and third-place certificates, suitable for framing. Perfect for winners of school competitions. Space for inscribing the names of the winner, your organization and officer, and the date ($8\frac{1}{2}$" x 11").
**PC# 317-0248 set of three** .....**$9.00**



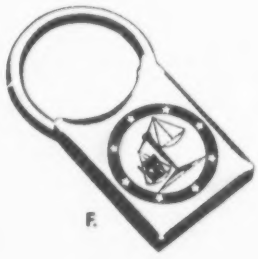
C. D.

## Thank-You Gifts

Where would you be without the hard work of your Law Day committee and volunteers? Tell them you care with these special gifts.

**D. Certificate of Appreciation**
Acknowledge the support of Law Day volunteers, schools, teachers, and speakers with handsome certificates suitable for framing. Space for inscribing names of organization and recipient ($8\frac{1}{2}$" x 11").
**PC# 317-0249** .....**$1.00**

E.


F.

**E. NEW PRODUCT! Lapel Pin**
One-inch, two-color lapel pins with butterfly clutch back feature new Liberty Bell design in gold, white, and blue. Packaged in presentation boxes—a perfect thank-you to your committee, speakers, and volunteers.
**PC# 317-0335** .....**$7.50**

**F. NEW PRODUCT! Law Day Brass Key Ring**
Great-looking, sturdy new key rings carry gold Law Day imprint on blue background. Packaged in presentation boxes, they offer a welcome new alternative thank-you gift for your key people.
**PC# 317-0337** .....**$7.50**

G.

**G. NEW PRODUCT! Law Day Rosewood Pen**
Handsome rosewood pen comes in rosewood presentation case. Pen and case are laser-imprinted with Law Day logo. Your volunteers and the others who made your celebration special will be reminded of Law Day every time they use it.
**PC# 317-0336** .....**$12.00**

**H. Law Day Paperweight**
Great-looking, substantial glass paperweights— 4" diameter, almost an inch thick—are beautifully satin-etched. They can either lie flat or stand up on a flat edge—either way they're a memorable gift, thank-you, or award.
**PC# 317-0292** .....**$23.95**

H.

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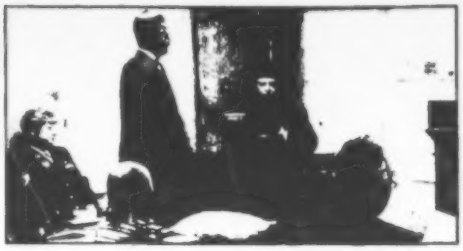
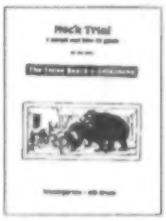
## *Law Day Is for Kids*

Share the excitement and unparalleled learning experience of mock trials. A great opportunity to involve law professionals as judges and coaches, and a lively, fun process that kids won't soon forget. Mock trials give you everything you need to put on a successful mock trial—information on types of mock trials, tips on preparing and conducting the trial, simplified steps and rules in a trial, and even guidelines on mock trial competitions. Most also contain a glossary of legal terms.





**Fairy Tale Mock Trials**
$5.95 each for 1–9 copies
$5.50 each for 10–29 copies
$4.95 each for 30+ copies

## *Fairy Tale Mock Trials*

**Trials typically have about eight speaking parts. They can all be presented in one class period.**

TT ***Best Seller!*** **The Three Bears v. Goldilocks** Yikes! The Bears have sued Goldilocks for bad manners. **PC# 317-0116**

TT ***Best Seller!*** **The Big Bad Wolf v. The Three Little Pigs** Showing absolutely no shame, B. B. Wolf (the initials stand for "Big Bad") has the nerve to sue Curly Pig for attempted wolf cooking. **PC# 317-0117**

**Wicked Witch v. Snow White** Witch sues princess for stealing her "trademark"—Fairest of Them All. **PC# 317-0112**

**Cinderella v. Estate of Padre Mia Tremaine** Feisty Cinderella, now a princess, sues for back wages from her "rotten, wicked stepmother." **PC# 317-0162**

**Claude v. The Beast** In this reworking of *Beauty and the Beast*, disappointed suitor Claude sues the "Beast" (aka handsome prince) for impersonation and alienation of affection. **PC# 317-0111**

**United States v. Bunyan** Federal agencies sue the big lumberjack and "Mr. Ox" to stop them from cutting down forests, making their own waterways, correcting curving highways, and generally creating a nuisance. **PC# 317-0163**

**Emperor v. Swin and Del** Embarrassed monarch sues tailors for fraud and misrepresentation in this retelling of *The Emperor's New Clothes*. **PC# 317-0164**

**State of Italia v. Geppetto** Neglect is the issue in this case on whether Pinocchio should remain with the woodcutter or have his care and education become the responsibility of the state. **PC# 317-0161**

***Student Written!*** **State v. Jack Robinson** Jack (of beanstalk fame) is on trial for second-degree intentional homicide in the death of Clarence Ogre in this lively, fun criminal trial script written by fifth-grade students. **PC# 317-0160**

**Humpty Dumpty v. Sherman King** ***[Secret information for each witness]*** Humpty Dumpty attracts customers to King's Kar World. A tragic accident nearly wrecks his career, and, alleging negligence, he sues owner Sherman King for damages from his fall. **PC# 317-0144**

**State v. Delphinia Rose Sweetpea** ***[Secret information for each witness]*** In this retelling of *The Princess and the Pea*, our heroine is on trial for fraudulently pretending to be a princess. **PC# 317-0141**

**Rumpelstiltskin v. Queen Malory** ***[Secret information for each witness]*** In this civil case, Rumpelstiltskin sues the Queen to collect payment for his work. **PC# 317-0143**

**Village of Sheepfold v. Joey Wolfcryer** ***[Secret information for each witness]*** In this retelling of *The Boy Who Cried Wolf*, Joey Wolfcryer is accused of violating an ordinance against crying wolf when there is no wolf. **PC# 317-0145**

**State v. Richard Fox** In this retelling of *The Fox and the Crow*, the fox is on trial for theft by deception—taking a piece of cheese from Camilla Crow by tricking her. **PC# 317-0142**

## *Criminal Law Trials*

Mock trials developed by the Constitutional Rights Foundation include the facts of a hypothetical case, witness statements, relevant legal authorities, complete trial instructions, and procedural guidelines. Each also contains an optional pretrial motion designed to help students gain a deeper understanding of constitutional issues related to the criminal trial process.

Mock trials at this grade level are not scripts, but rather give a set of facts and allow witnesses and lawyers to create testimony and questioning consistent with the facts. They typically have about eight speaking parts. They can usually be presented in one class period or adapted to be presented in that period, but most could take more time if it were available.

**NEW! People v. Price**
*Arson*
Eco-terrorism is suspected when a fire destroys much of a ski resort that was planning to expand into neighboring wilderness areas. An outspoken opponent of the expansion is arrested and charged with arson. Optional pretrial issue: Was a search of the defendant's truck at a safety checkpoint constitutional?
**PC# 317-0345**

***Best Seller!* People v. Clevenger**
*Vandalism, computer crimes, and search and seizure*
Suspicion falls on an honor student for vandalizing a computer room. Police search the student's locker and find incriminating evidence. Optional pretrial issue: Was the locker search legal?
**PC# 317-0215**

**People v. Tanner**
*Homicide and memory reliability*
A young adult's 20-year-old memory of a sibling's death leads to a murder charge against their parent. Optional pretrial issue: Should 911 calls about spousal violence made months before the alleged murder be admitted into evidence?
**PC# 317-0306**

**People v. Rose**
*Poisoning, assault with a deadly weapon, and search and seizure*
After students are poisoned at a school club initiation, police arrest a student who seems to have a motive of revenge. Optional pretrial issue: Is the search of the student's computer and seizure of computer files constitutional?
**PC# 317-0268**

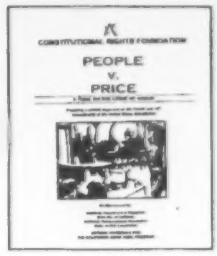
**People v. Brunetti**
*Homicide, conspiracy, and the right to bear arms*
After a fatal schoolyard shooting, police arrest the shooter's cousin, who owned the murder weapon as well as an illegal assault rifle. Optional pre-trial issue: Is a law regulating possession of assault weapons constitutional?
**PC# 317-0252**

**People v. Donovan**
*Involuntary manslaughter, removal of traffic signs, and the protection against self-incrimination*
A fatal traffic accident is caused by theft of a "Do Not Enter" sign. Police arrest a college student, who makes incriminating statements after the postponement of a pretrial hearing. Optional pretrial issue: Are the statements admissible?
**PC# 317-0219**

**People v. Mitchell**
*Alcohol abuse and the exclusionary rule*
A traffic accident results in charges of driving under the influence and felony hit-and-run. Optional pretrial issue: Was a traffic stop based on a police profile of a drunk driver constitutional?
**PC# 317-0150**

**People v. Kelmar**
*Youth violence, homicide, and privacy*
A high school senior shoots a fellow student and claims self-defense. The testimony of a psychotherapist is critical. Optional pretrial issue: Did admitting such testimony violate the psychotherapist-patient privilege?
**PC# 317-0146**

NEW!



**Mock Trials** on this page

**$5.95** ea. for 1–9 copies  $5.50 ea. for 10–29 copies  $4.95 ea. for 30+ copies

**People v. Stover**
*Use of force, free expression, and hate crimes*
A security guard's actions during an alleged break-in at a laboratory raise issues about use of force, free expression, and hate crime. Optional pretrial issue: Is an ordinance governing racist expression constitutional?
**PC# 317-0149**

**People v. Caulfield**
*Carjacking, three strikes, and due process*
Police arrest a carjacking suspect after a house-to-house investigation. Optional pretrial issues: Use of prior conviction for three strikes and use of prior conviction to show common plan.
**PC# 317-0159**

**People v. Whitman**
*Child abduction, theft, and self-incrimination*
A child is taken from a park. After a routine traffic stop, a noncustodial parent is charged with child abduction. Optional pretrial issue: Were the defendant's Mirandа rights violated?
**PC# 317-0147**

**People v. Bell**
*Free expression, group conflict, arson*
Conflict between townspeople and a religious group leads to incitement and arson charges. Optional pretrial issue: Does the Constitution protect performing a song at a rally?
**PC# 317-0148**

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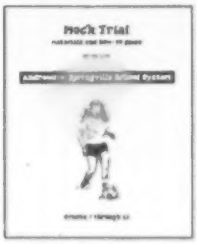
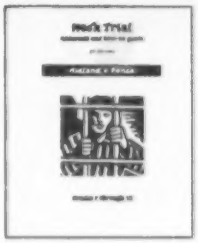
## Law Day Classics

These time-tested middle school and secondary mock trials contain everything you need—information on types of mock trials, tips on preparing and conducting the trial, simplified steps and rules in a trial, and even guidelines on mock trial competitions. Most also contain glossaries.

Mock trials at this grade level are not scripts, but rather give a set of facts and allow witnesses and lawyers to create testimony and questioning consistent with the facts. They typically have about eight speaking parts. They can usually be presented in one class period or adapted to be presented in that period, but most could take more time if it were available.





**Mock Trials** on this page

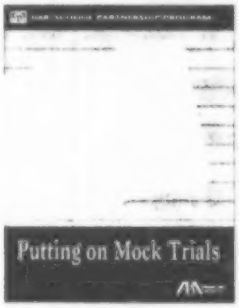
**$5.95** ea. for 1–9 copies  $5.50 ea. for 10–29 copies  $4.95 ea. for 30+ copies

***Best Seller!*** **Andrews v. Springville School System** A lawsuit brought against a local school system by the parents of a high school girl who has been refused a tryout for the boys' soccer team. **PC# 317-0121**

**Hudson v. The Washington Post** Child abduction case raises issue of whether the best interests of a child outweigh a newspaper's right to maintain the confidentiality of its sources. **PC# 317-0120**

**Murphy v. National Sheet Metal** A civil trial that addresses the question of equal employment opportunity for women and the effect it has had on employers' hiring and promotion practices. **PC# 317-0119**

**Midland v. Pence** A criminal trial of demonstrators who protested the alleged misconduct of the superintendent of prisons. Addresses freedom of speech, peaceful assembly, and the need to maintain public order. **PC# 317-0118**




**NEW!**

**Putting on Mock Trials**

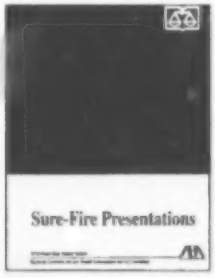
Newly revised and expanded booklet provides information about mock trials, including their value as a learning tool in elementary and secondary classrooms, techniques for recruiting lawyers and judges to assist in mock trials, ideas about mock trial competitions, etc., as well as a number of actual trials, encompassing every grade level and many different kinds of trials.

PC# 235-0206 ..... $10.00

2-9 copies @ $9.00  25-49 copies @ $7.00

10-24 copies @ $8.00  50 + copies @ $6.00

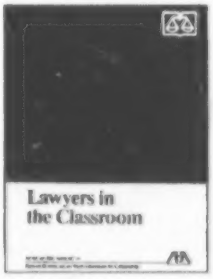
## Classroom Tips




**Sure-Fire Presentations**

Offers a variety of one-session, easy-to-use classroom strategies for teaching elementary and secondary students about the law.

PC# 497-0100 ..... $5.00




**Lawyers in the Classroom**

Tips and general advice for lawyers volunteering as classroom resource persons.

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## *High School Mock Trials*

These mock trials can be used for competitions and/or for mock trial units in class. Each contains statement of facts, witness statements, evidence, and applicable cases on statute. All contain information on types of mock trials, tips on preparing and conducting the trial, simplified steps and rules in a trial, and even guidelines on mock trial competitions.

Mock trials at this grade level are not scripts, but rather give a set of facts and allow witnesses and lawyers to create testimony and questioning consistent with the facts. They typically have about eight speaking parts. They can usually be presented in one class period or adapted to be presented in that period, but most could take more time if it were available.

**NEW! The People v Michelle Carver**
*Issues of affirmative defenses, standards for duress defenses, and co-defendant culpability*
In this criminal case, Michelle Carver, a high school senior, is charged with armed robbery and felony murder for a crime she allegedly committed with her boyfriend, Anthony Hamilton, also a high school senior. This armed robbery resulted in Anthony's death. The owner of the store was also killed. Michelle claims that the robbery was entirely Anthony's idea and that he forced her to participate. According to Michelle, Anthony both verbally and physically abused her throughout their year-and-a-half relationship. This trial involves underlying questions about teen domestic violence and what constitutes a healthy relationship. **PC# 317-0334**

*Best Seller!* **Chris M. v. Dr. Terry Preece and Metro City Unified School District**
*Issues of educational malpractice*
A seventeen-year-old high school senior, who has been unable to find work because of inability to master basic reading, writing, and arithmetic skills, sues the school system for educational malpractice. **PC# 317-0273**

**Shawn Wright v. Play and Learn Child Care Center**
*Issues of different aspects and degrees of negligence as well as parental liability*
The basis of this suit by a parent is the injury of a boy while under the supervision of a day-care center. Includes statements by several of the participants, selections from applicable cases, selected portions of local laws relating to the case, and notes on the laws applicable to the suit. **PC# 317-0317**

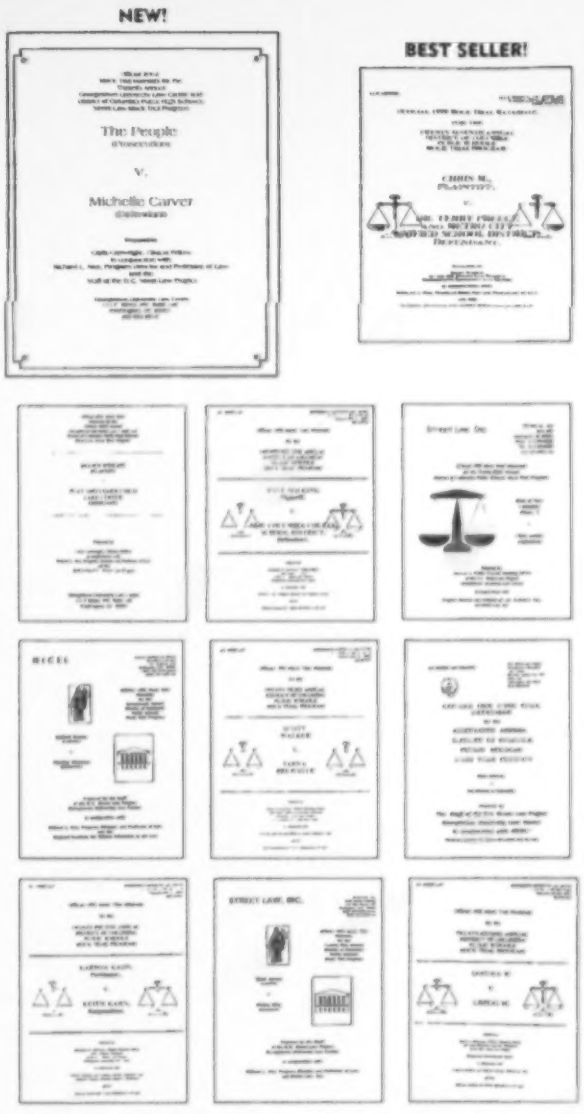
**Kyle Wilkins v. New Columbia County School District**
*Issues of school district liability and negligence*
Kyle Wilkins, parent of Chris, a high school athlete who died after taking steroids illegally, is suing the school district for negligence in the death of the child. **PC# 317-0171**

**State of Columbia v. Chris Archer**
*Issues of influence of alcohol consumption, peer pressure, and responsibility*
A fraternity president is on trial for first-degree murder and criminal hazing after the death of a new pledge. **PC# 317-0220**

**United States v. Martha Monroe**
*Issues of first-degree murder, battered woman syndrome, and self-defense*
A "battered woman" shoots and kills the sleeping husband who has abused her. She claims she acted in self-defense as a victim of the recently recognized "battered woman syndrome." **PC# 317-0174**

**Scott Walker v. Tanya Brewster**
*Issues of negligent storage of a handgun and supervision of a minor*
A lawsuit filed by the father of a five-year-old severely wounded by a bullet accidentally fired from a pistol that another boy brought into the home. **PC# 317-0173**

**Elyse Roberts v. The District of Columbia**
*Issues of sexual harassment*
A female lawyer alleges that her male office mate made obnoxious comments to her, some with sexual overtones. She claims sexual harassment and intentional infliction of emotional distress. **PC# 317-0176**




**Mock Trials** on this page

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**Kormia Kahn v. Keith Kahn**
*Issues of domestic violence*
Kormia Kahn accuses her husband of striking and threatening her. He claims that he was defending his son from punishment and that his actions and words were meant to heal rather than harm. **PC# 317-0172**

**Ricki Jones v. Metro City**
*Issues of negligence, strict liability, and damages*
The parents of an AIDS victim sue the city government, claiming that city water contaminated with the Pindia parasite caused their son's condition to worsen and led to his death. **PC# 317-0193**

**Sandra W. v. Gregg M.**
*Issues of negligent transmission of HIV*
Sandra claims that Gregg's negligent actions caused her to contract HIV, which has progressed into AIDS. **PC# 317-0175**



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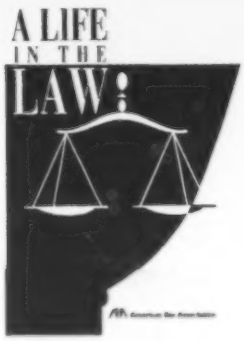


## Career Publications

**Legal Careers Brochure**

Briefly explains what lawyers do, the skills needed, and the process of becoming a lawyer. Also describes other careers in the law. An inexpensive handout for career fairs, etc. (*A Life in the Law* booklet, below, offers a more in-depth look at these topics.)

**PC# 235-0035 package of 30 ..... $6.00**

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**A Life in the Law**

Booklet discusses career opportunities in the legal field, the skills needed, and pre-law studies, plus profiles of some actual lawyers and additional reading materials about careers in the law. Very helpful to students seriously researching a law career.

**PC# 235-0036** ..... 1–9 copies @ $2.50

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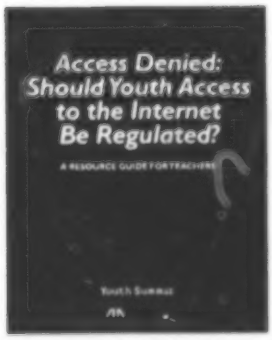
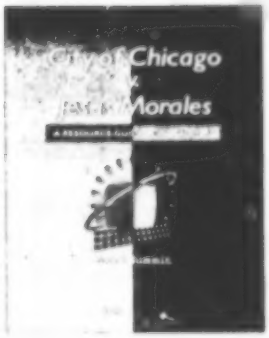
| 10–99 copies @ $2.00 | 100+ copies @ $1.50 |

## Resource Guides for Teachers




**NEW! Access Denied: Should Youth Access to the Internet Be Regulated?**

A resource guide for teachers that explores the ways that social issues meet in laws regulating indecent and obscene speech, with particular attention to the Internet. Includes timeline of U.S. Supreme Court Cases, lessons and teaching strategies, additional resources, and terms and vocabulary.

**PC# 497-0112** ..... $10.00

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| 10–24 copies @ $8.00 | 50+ copies @ $6.00 |

***After City of Chicago v. Jesus Morales*: A Resource Guide for Teachers**

Resource guide on a 1999 U.S. Supreme Court case involving an anti-gang ordinance against loitering in a group. Guide helps teachers le... students though an exploration of the issues, including homelessness, racial discrimination, preservation of civil liberties, and maintenance of public order, as well as the judicial review process.

**PC # 497-0102** ..... $10.00

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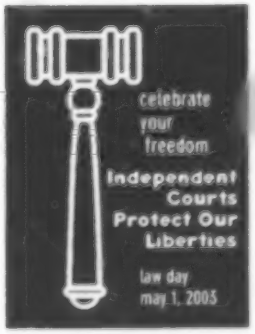

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## Domestic Violence Resources

**NEW! Breaking the Silence: Journeys of Hope**
A compelling one-hour documentary videotape told through the stories of abuse survivors. A facilitator's guide designed to stimulate discussion accompanies each tape.

**PC# 317-0320 (English version),**
**PC# 317-0321S (Spanish/Mexican dialect version),**
**PC# 317-0321CDV (Spanish/Caribbean dialect version)**
**$10 per videotape (includes facilitator's guide)**

**Why Abuse Victims Stay**
A brochure for general audiences exploring the many factors that may influence a domestic violence victim's decision to stay in an abusive relationship.

**PC# 317-0319 package of 30** ..... **$8.95**

**Know Your Rights: Domestic Violence**
**(Conozca sus derechos: La violencia doméstica)**
Bilingual in English and Spanish! A brochure for general audiences explaining where to get help, possible legal remedies, and information on finding a lawyer. Available in packages of 30.

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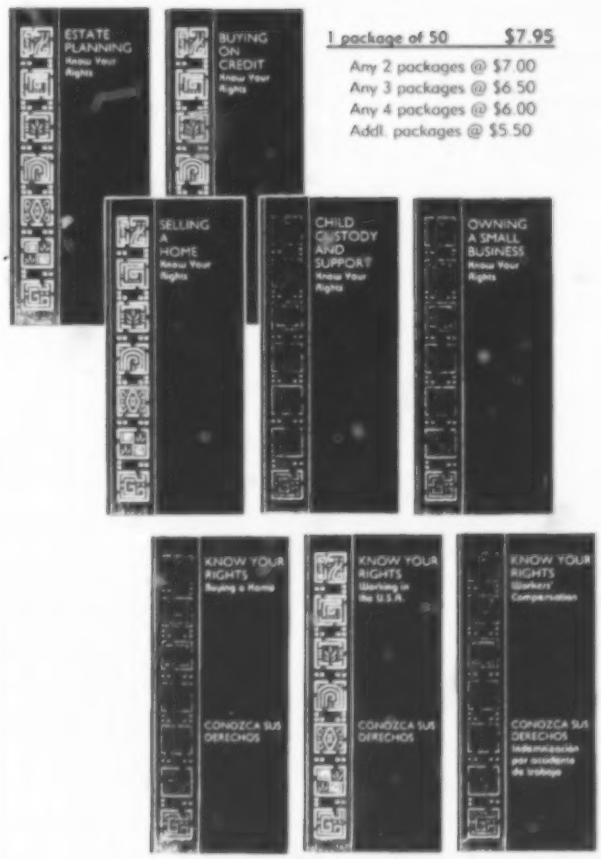


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## Practical Law Brochures

Great for ask-a-lawyer programs, peoples' law schools, lunch 'n' learn programs, and any public outreach. For just a few cents, give people a handout that provides practical law help. Both the English-only and Spanish-English brochures are available for the same low price. Available in packages of 50.

**English-Only Brochures**
Brochures cover legal principles as well as answers to commonly asked questions and practical tips. Back panel left blank for your message, should you choose to add one.

**Estate Planning** ..... **PC# 235-0030**
**Buying on Credit** ..... **PC# 468-0064e**
**Buying a Home** ..... **PC# 468-0060e**
**Selling a Home** ..... **PC# 468-0059e**
**Child Custody and Support** ..... **PC# 468-0063e**
**Tenant-Landlord Law** ..... **PC# 468-0057e**
**Owning a Small Business** ..... **PC# 235-0031**

**Spanish-English Brochures**
Similar to English-only brochures, but series includes several different topics, including some of particular interest to Hispanics. Complete text in both languages.

**Buying on Credit/Compras a Crédito** ..... **PC# 468-0064**
**Buying a Home/La Compra de una Casa** ..... **PC# 468-0060**
**Selling a Home/La Venta de una Casa** ..... **PC# 468-0059**
**Workers' Compensation/Indemnización por Accidente de Trabajo** **PC# 468-0056**
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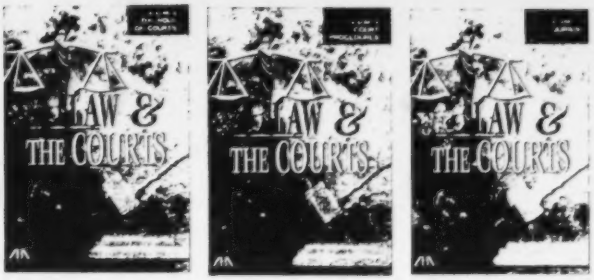


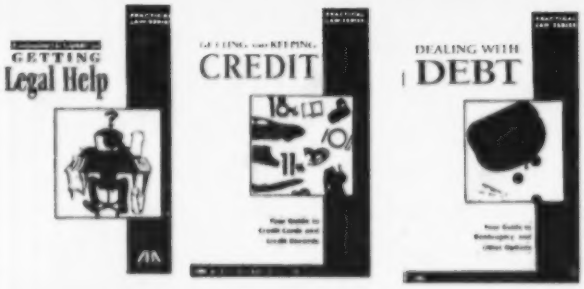

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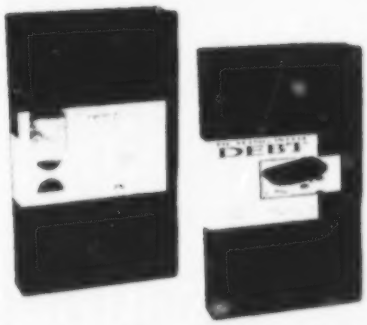

## Practical Law Videos for the Public

**Mediation: Is It for You?**
An 18-minute video program that profiles three everyday scenarios where mediation may be appropriate: a homeowner's dispute with a contractor, a child custody case, and a neighbor-to-neighbor conflict. Booklet (above) is a companion to the tape.
PC# 468-0050 ..... $49.00

**Dealing with Debt: Bankruptcy and Other Options**
Temporary unemployment, high credit card debts, and major medical expenses have strained finances for many families. *Dealing with Debt: Bankruptcy and Other Options* is a 27-minute videotape featuring three scenarios in which typical families weigh their options in deciding what is best for their particular situation. Booklet (above) is a companion to tape.
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## Practical Law Booklets for the Public

Want to give the public even more information about the law? These ABA booklets range from 16 to 40 pages and help people understand the law that affects them every day.

**Law and the Courts, Volume I—The Role of Courts**
Looks at the third branch of government. Explains how courts fit into our system of separation of powers, with particular emphasis on the role of judges and the importance of judicial independence. PC# 235-0027 98ED

**Law and the Courts, Volume II—Court Procedures**
Gives readers a quick look at a legal case from beginning to end. It covers how cases begin; pre-trial motions, hearings, and settlement conferences; jury selection; steps in a trial; and verdicts and the appeals process. Includes a glossary of legal terms. PC# 235-0041

**Law and the Courts, Volume III—Juries**
Brand-new booklet concludes the "Law and the Courts" series by looking at the role of juries. Covers grand juries, trial juries, and major issues facing the jury system. PC # 235-0202

**Consumers' Guide to Getting Legal Help**
Booklet explains when you might need a lawyer's help, how to select one, how to keep costs down, and what to do if you're not satisfied.
PC# 235-0201

**Getting and Keeping Credit: Your Guide to Credit Cards and Credit Records**
Booklet provides practical tips on saving money and protecting yourself in credit transactions. Discusses how to get credit, what credit costs, choosing a credit card, equal credit laws, and checking your credit record.
PC# 235-0033

**Dealing with Debt: Your Guide to Bankruptcy and Other Options**
Booklet discusses how to avoid problem debt and options if you're in over your head. Explains types of personal bankruptcy, options for keeping your home, and much more.
PC# 468-0053

**Mediation: A Consumer's Guide**
Explores the pros and cons of an increasingly popular way to resolve disputes.
PC# 468-0051

**Educating the Public About the Law: Guide for Individual Lawyers**
Guide from the ABA gives lawyers plenty of ideas about how they can help public education programs from kindergarten to the senior center. Cost is $2.50, with the bulk discounts available.
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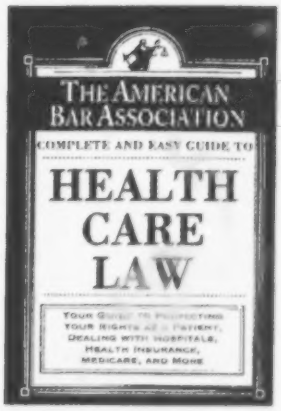

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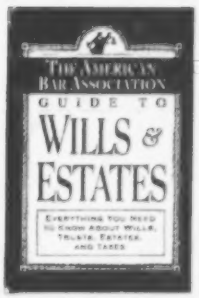


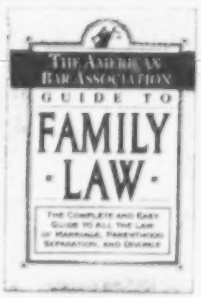


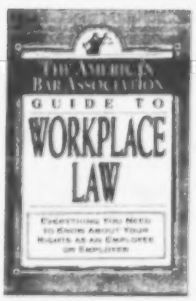


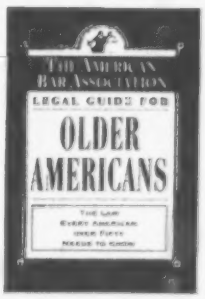


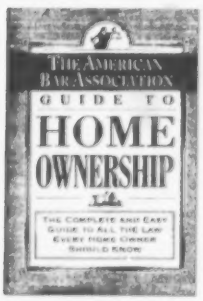


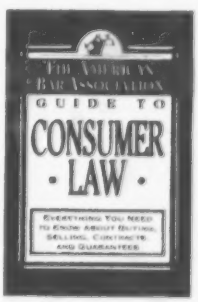


**American Bar Association Complete and Easy Guide to Health Care Law**
This guide helps you protect your rights as a patient, deal with health insurance, HMOs and Medicare, and understand the full range of issues where health care and law meet. Readers will find easy-to-understand information covering traditional topics such as vaccinations and nursing homes to more recent areas such as reproductive technology. Sidebars throughout the book give readers practical tips, warnings about potential pitfalls, important steps to take, definitions of legal and medical terms, and lawyers' responses to frequently asked questions PC# 235-0203

**The American Bar Association Legal Guide for Small Business**
Everything you need to know about the legal side of starting and growing a business, from raising capital to choosing a location, dealing with suppliers and customers, and keeping a lid on taxes. Covers how to avoid legal hassles with the people who work in your business, franchising dos and don'ts, buying and selling a business, protecting your property, and much more.
PC# 235-0200

TT *Best Seller!* **The American Bar Association Guide to Wills and Estates**
Complete and easy guide to all the law everyone should know about distributing property at death and planning for possible incapacity. Besides wills and health care directives, topics include how to plan an estate, joint ownership and other ways to transfer property without a will, trusts and living trusts, death taxes, choosing an executor or trustee, changing your will or trust, and planning now to make things easier for your family. PC# 235-0029

**The American Bar Association Guide to Family Law**
Book provides accurate, useful, easy-to-read information about how the law affects families—large and small, traditional and unconventional. Covers everything: the decision to marry, birth or adoption, raising children, using estate planning to protect the family and how the law protects you in the event of divorce or separation. Other key topics include premarital agreements, preventing domestic violence and child abuse, collecting child support, and custody and visitation. PC# 235-0034

TT *Best Seller!* **The American Bar Association Guide to Workplace Law**
Book provides everything you need to know about your rights as an employee or employer, in plain English you can understand. Covers every aspect of employment, from the hiring process to retiring or otherwise leaving the job. Topics include, among many others, sexual harassment, leave time, health insurance, and antidiscrimination laws. Also covered are pension and social security rights, unions in the workplace, special considerations for government workers, and how to enforce workplace rights. PC# 235-0038

**The American Bar Association Legal Guide for Older Americans**
Book explains the many legal protections of older Americans clearly and simply, without jargon and with plenty of practical tips. Gives guidance on how the law protects the rights of older people to Social Security, Medicare, and other government programs. Discusses how the law impacts health care, housing, and pension rights, as well as ways to save money and hassle by planning your estate, and ways of assuring that your wishes will be followed in the event that you're incapacitated. Also covers grandparents' rights, the rights of people with disabilities, and the special concerns of older consumers.
PC# 235-0040

**The American Bar Association Guide to Home Ownership**
This practical law handbook is the perfect gift for any law or life skills classroom, and for school and public libraries. Complete and easy guide to all the law every home owner should know. This book provides friendly, informative guidance on deeds, forms of ownership, and restrictions on what you can do with your property; the special problems and opportunities in owning a condo or co-op; title insurance; avoiding problems with the neighbors, the financial side of home ownership; taxes; and the special concerns of aging home owners.
PC# 235-0028

**The American Bar Association Guide to Consumer Law: Everything You Need to Know About Buying, Selling, Contracts, and Guarantees**
Book addresses all major areas of consumer law. Covers warranties, fraud, credit cards, how to cancel unfair contracts, and even such cyberspace issues as whether software can be lawfully copied. Gives you answers on what to do if a merchant refuses to honor a warranty or a mail-order delivery never arrives, as well as how to resolve a problem without filing suit.
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Almost all Law Day materials are in stock now. You should have your order no later than 10 days after it is processed.

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After April 11, 2003, timely delivery of Law Day orders cannot be guaranteed without overnight or 2-day delivery.

## Save Big! with Law Day Packages

**LAW DAY 2003**

### ECONOMY PACK FOR SCHOOLS

**SAVE 42.5%**

This Economy Pack for Schools gives you everything your volunteers will need to go into the classroom—handouts for the kids, mugs for the teacher, and tips for the presenter.

Contains:

- ★ 2 packages of balloons
- ★ 2 Law Day posters
- ★ 4 rolls of stickers
- ★ 25 Certificates of Appreciation
- ★ 4 mugs
- ★ 4 packages of pencils
- ★ 4 copies of the booklet *Sure-Fire Presentations*

PC# 317-0352P
A $165 value, but it's yours for just **$95** package price.

**Order Early and SAVE Even More!**

**LAW DAY 2003**

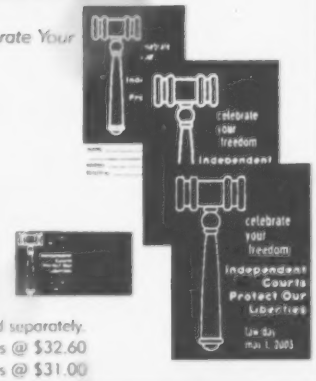
### LAW DAY 2003 DISPLAY KIT

**SAVE 25%**

**Celebrate Your Freedom Law Day Display Kit**
Save! Save! Save! with this economy package of *Celebrate Your Freedom* display items.

Contains everything you'll need for a memorable tabletop presentation.

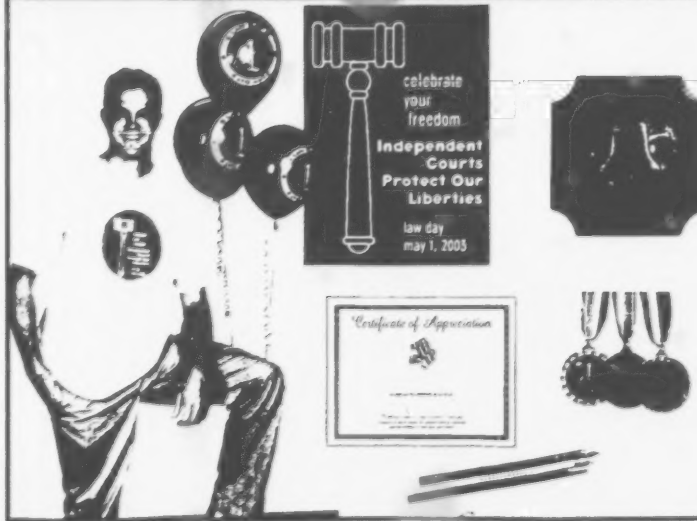
- ★ 1 Law Day 2003 poster
- ★ 1 stand-up program display card
- ★ 1 display card
- ★ 1 package of cards/flyers
- ★ 1 package of bookmarks




PC# 317-0354P ..... **$40.00**

Package price gives you 25% discount over items purchased separately.
2 packages @ $36.20 — 4 packages @ $32.60
3 packages @ $34.40 — 5+ packages @ $31.00

**Order Early and SAVE Even More!**




**LAW DAY 2003**

### CELEBRATION IN A BOX

**SAVE 33%**

**Law Day 2003 Celebration in a Box**
*Save big* with this 50-person deluxe party pack that gives you everything you'll need for your event. Package would cost over $700 if items were purchased separately, but it's yours for $479. Celebration in a Box gives you:

- ★ 50 full-color T-shirts (assorted sizes)
- ★ 50 Certificates of Appreciation
- ★ 5 Law Day posters
- ★ 3 packages of balloons
- ★ 4 packages of Law Day pencils
- ★ 1 Liberty Bell Award plaque
- ★ 1 set of Olympic-style medals

PC# 317-0351P ..... **$479.00**

**A. Law Day T** T-shirt features this year's colorful art. Comes in sizes from large to extra, extra large. **PC# 317-0329 L, XL, or XXL.....$12.50**

**B. Law Day Buttons** Wear one proudly and hand them out at events. **PC# 317-0325 package of 30.....$8.80**

**C. SALE ITEM! Law Day Cap** Tell the world you're loyal to the law. Heavy cotton cap has "LAW" printed on the front. **PC# 317-0277.....$12.00**

**D. NEW! Law Day Flower Pack Giveaways** For Law Day (and May Day too), seeds for red, white, and blue gardens. **PC# 317-0339 package of 30 packets.....$10.50**

**E. Law Day Porcelain Mugs** This year's art and message in color on white mugs or in white on cobalt blue mugs. **PC# 317-0328W (white mug) or PC# 317-0327B (blue mug).....$6.50**

**F. Law Day Balloons** Patriotic in red and blue. **PC# 317-0340 package of 30.....$8.00**

**G. NEW! Stainless Steel Law Day Travel Mugs** For Law Day folks on the go, new travel mugs have double walled insulation and splash-resistant lid. **PC# 317-0341.....$10.50**

**H. Law Day Sports/Bike Bottle** Sturdy bottles featuring this year's great art are a popular giveaway. **PC# 317-0330.....$2.50**

**I. Liberty Bell Plaque** Hundreds of programs award this handsome bronze and walnut plaque for outstanding community service. **PC# 317-0023.....$70.00**

**J. SALE ITEM! Law Day Visor** White cotton sun visor is a great giveaway at fun runs and golf outings. **PC# 317-0304 .....$7.50**

**K. NEW! Liberty Bell Law Day Lapel Pin** Striking new design in gold, white, and blue. **PC# 317-0335.....$7.00**

**L. Law Day Mouse Pad** Keep this year's theme on everyone's desk with this new mouse pad. **PC# 317-0331.....$5.95**

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ABA Defending Liberty Pursuing Justice

**American Bar Association**
Division for Public Education (15.3)
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